



**NANTUCKET CONSERVATION COMMISSION**  
**Updated Meeting Notice/Agenda for Wednesday, November 16th, 2016**  
**4:00 P.M. in the 2nd Floor of the Public Safety Facility 4 Fairgrounds Rd.**

\*Matter has not been heard

**I. PUBLIC MEETING**  
**A. Public Comment**

**II. PUBLIC HEARING**

**A. Notice of Intent**

1. Edwin Snider RT – 2 Brock's Court (42.3.4-84) SE48-2834
2. \*Sunset House, LLC – 15 Hallowell Lane (30-10) SE48-2924 **Cont (11/30/2016)**
3. Reyes – 19 East Creek Road (55-60) SE48-2929
4. \*Burke- 37 Gardener Road (43-85) SE48- 2930
5. \*Haulover, LLC – 165 Wauwinet Road (7-1.1) SE48-2932
6. \*62 Walsh Street, LLC – 62 Walsh Street (29-85) SE48-
- 7.\*Nantucket Yacht Club – 4 South Beach St (42.4.2-59) SE48-2931

**B. Request for Determination**

1. \*Finch – 5 Polliwog Pond Road (55-423.3)
2. \*Godec – 40 Squam Road (13-27)

**PUBLIC MEETING**

**A. Certificate of Compliance**

1. \*Goose Cove, LLC – 7 South Cambridge Street (59.4-132) SE48-2680
2. \*23 Commercial Wharf JA, LLC – 23 Commercial Wharf (42.2.4-5) SE48-2604
3. \*Sunset Realty Trust – 201 Eel Point Road (38-32) SE48-2823
4. \*Reiskin – 34 Codfish Park Road (73.1.3-53) SE48-2512 (**Reissue**)

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

1. Edwin Snider RT – 2 Brock's Court (42.3.4-84) SE48-2834
2. Reyes – 19 East Creek Road (55-60) SE48-2929
3. Thirty-Six Pocomo Road N.T- 36 Pocomo Road (14-79) NAN-126
4. \*Burke- 37 Gardener Road (43-85) SE48- 2930
5. \*Haulover, LLC – 165 Wauwinet Road (7-1.1) SE48-2932
6. \*62 Walsh Street, LLC – 62 Walsh Street (29-85) SE48-
7. \*Nantucket Yacht Club – 4 South Beach St (42.4.2-59) SE48-2931

**C. Extension of Orders of Conditions**

1. \*9 E Street, LLC – 9 E. Street (60.2.1-6) SE48-2611

**D. Other Business**

1. Approval of Minutes 11/02/2016
2. Enforcement Action
3. Reports: CPC, NP&EDC, Mosquito Control Committee, Other
4. Commissioner's Comment
5. Administrator/ Staff Report

## PUBLIC MEETINGS AND PUBLIC HEARING

*(from pp. 5-7 of the Nantucket Conservation Commission's Information and Procedures)*

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

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

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

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

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

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

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

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

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

Commission relative to resource areas and protected interests. The public may visit the Commission's office and examine the application, the plans that are part of the application, and other materials that may be related to the proposal. Recognizing that non-professionals are not as familiar with the rules and procedures, the Chair is likely to allow them a little more leeway than might be permitted professionals practicing before the Commission.

Nevertheless, this guide to Information & Procedures is designed to inform everyone of the practices and procedures. The Chair may redirect anyone at any point if they go beyond what is appropriate under the Commission's rules of procedure.

# NOTICES OF INTENT



**SITE DESIGN ENGINEERING, LLC.**

11 Cushman Street, Middleboro, MA 02346

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

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## **NOTICE OF INTENT APPLICATION**

### **Relocation of an Existing Single Family residence and Construction of an Addition Partially Within Wetland Resource Area Buffer Zones**

**1 Brock's Court  
Portions of Map 42.3.4 Parcel 84  
Nantucket, Massachusetts**

*Prepared for:*

**Edwin Snider Realty Trust  
C/O Cohen and Cohen Law PC  
34 Main Street  
Second Floor  
Nantucket, MA 02554**

*Prepared By:*

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

**October 30, 2015**

**SDE No.: 12035**



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

Provided by MassDEP:  
 \_\_\_\_\_  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
 Nantucket  
 \_\_\_\_\_  
 City/Town

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



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

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

1 Brock's Court Nantucket 02554  
 a. Street Address b. City/Town c. Zip Code  
 Latitude and Longitude: 41 17 01.78 70 06 15.92  
 d. Latitude e. Longitude  
42.3.4 84  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

\_\_\_\_\_ a. First Name \_\_\_\_\_ b. Last Name  
Edwin Snider Realty Trust C/O Cohen & Cohen Law PC  
 c. Organization  
34 Main Street Second Floor  
 d. Street Address  
Nantucket MA 02554  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_ h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address

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

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

4. Representative (if any):

Mark Rits  
 a. First Name b. Last Name  
Site Design Engineering, LLC  
 c. Company  
11 Cushman Street  
 d. Street Address  
Middleboro MA 02346  
 e. City/Town f. State g. Zip Code  
508-802-5832 508-967-0674 mrirts@sitedesigneng.com  
 h. Phone Number i. Fax Number j. Email address

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

\$220.00 \$97.50 \$122.50  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket  
City/Town

## A. General Information (continued)

6. General Project Description:

Relocation of an existing Single Family Residence and construction of an addition located partially within the 100-foot buffer zone to a Bordering Vegetated Wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

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

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

- 1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

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.

## PROJECT DESCRIPTION

### 1 Brock's Court NANTUCKET, MASSACHUSETTS

October 30, 2015

#### **INTRODUCTION**

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within 100 feet of a Bordering Vegetated Wetland (BVW) resource area on property located at 1 Brock's Court in Nantucket (Subject Property). The work includes the previously performed relocation of an existing single family residence (SFR) and the construction of an addition, wooden deck, and pervious patio. The work was performed by a previous property owner and was not subject to an Order of Conditions (OOC). The previously performed work was located within the 100-foot buffer zone to a BVW resource area but was entirely outside of the 50-foot BVW buffer zone.

This Notice of Intent application is presented by the following Property Owner/Applicant:

1 Brock's Court  
(Map 42.3.4 Lot 84)

Edwin Snider Realty trust  
C/O Cohen and Cohen Law PC  
34 Man Street  
Second Floor  
Nantucket, MA. 02554

#### **SITE OVERVIEW & EXISTING CONDITIONS**

The Subject Property consists of an approximately 18,675 square foot (0.43 acre) lot located on the south side of Brock's Court and west of Liberty Street (see Figures 1 through 3 and Site Plan). To the north, the Subject Property is bordered by developed residential property. To the east, the Subject Property is bordered by Liberty Street, a paved public way, and developed residential properties. To the south, the Subject Property is bordered by developed residential properties. To the west, the Subject Property is bordered by undeveloped property (see Figures 1 through 3 and Site Plan). The Subject Property has been historically developed and is the site of an SFR, deck, pervious driveway, and associated landscaping/grading. A BVW resource area is located on the adjacent property to the west and extends onto the western portion of the Subject Property. The extent of the wetland resource area has been previously delineated as part of a separate NOI application for work performed on an adjacent property and was used as a basis for an OOC for property located at 3 Brock's Court.

The extent of wetland resource areas on the Subject Property and adjacent properties has been previously confirmed as part of filings on adjacent properties. However, all previous delineations have since expired. In order to confirm that all work on the Subject Property was performed outside of the 50-foot BVW buffer zone, Laura A. Schofield of Schofield Brothers of Cape Cod (Schofield) performed a wetland delineation on the Subject Property on June 25, 2015. The location of all wetland boundaries on the Subject Property and associated buffer zones are indicated on the Site Plan. A delineation report and DEP BVW Delineation Forms are included as an attachment to this NOI Application. Based on the delineation performed by

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### ***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346  
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Schofield, a large portion of the Subject Property is located within the 50-foot BVW buffer zone. This portion of the Subject Property has been historically maintained as a lawn area nearly to the edge of the BVW. All previously performed activities are located well outside of the 50-foot BVW buffer zone and the previously performed work does not require any waivers under the Bylaw.

The Subject Property is located entirely outside of the 100-year flood zone as determined from the Digital FEMA Flood Maps available from MassGIS and site specific topographic survey information (see Figure 6 and Site Plan) and is therefore outside of Land Subject to Coastal Storm Flowage (LSCSF).

### **PROJECT ACTIVITIES**

Work on the Subject Property was performed by a previous property owner and included the relocation of the existing SFR from within the 100-foot BVW buffer zone to a portion of the Subject Property outside of the 100-foot BVW buffer zone. The previously performed work also included the construction of an addition partially within the 100-foot BVW buffer zone. The constructed addition, including the wooden deck, has a smaller footprint within the 100-foot BVW buffer zone than the previously existing SFR and occupies nearly the same footprint. Finally, previously performed work also included the construction of a pervious patio and planting of a privet hedge along the eastern side of the previously existing pervious driveway and parking area. All previously performed work, was located entirely outside of the 50-foot BVW buffer zone with the exception of a small portion of the hedge which is located partially within the 50-foot BVW buffer (see Site Plan). The existing SFR is connected to town sewer and water.

### **NHESP / MESA**

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

### **EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL**

No erosion or sedimentation control is proposed as part of this NOI. All described work and activities have already been completed.

### **WETLAND RESOURCE AREAS**

The previously performed project was a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland Protection Regulations (Local Regs):

- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan)

### **COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS**

The previously performed project was a residential redevelopment project and included the relocation of an existing SFR and the construction of an addition, a wooden deck, a pervious patio, and associated landscaping within the 100-foot buffer zone to a BVW.

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## **State Wetlands Performance Standards**

### **Bordering Vegetated Wetlands**

The previously performed project occurred within the 100-foot buffer zone to a BVW. No work is proposed within any State or local BVW Resource Areas. The Proposed Project includes the construction of a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading which will be located within the 100-foot buffer zone to a BVW. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed appropriate under local Bylaws. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

## **Local Wetlands Performance Standards**

### **Vegetated Wetlands**

*"Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:"*

#### **3.02B(1)**

*"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."*

The previously performed project, including relocation of the existing SFR and construction of an addition, wooden deck, and pervious patio. All structural components were constructed entirely outside of the 50-foot BVW buffer zone. All new structures including the addition and wooden deck were located almost entirely within the footprint of the previously existing SFR. No new structures were built within the 50-foot BVW buffer zone and no new alterations occurred within the 25-foot BVW buffer zone. The portion of the Subject Property located within the 25-foot and 50-foot BVW buffer zones has been historically maintained as a lawn area. This portion of the Subject Property was not significantly altered as a result of the previously performed site work and will be maintained.

#### **3.02B(2)**

*"Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means)."*

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## **SITE DESIGN ENGINEERING, LLC.**

11 Cushman Street, Middleboro, MA 02346

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The Proposed Project included the relocation of an existing SFR and the construction of an addition, wooden deck, and pervious patio. No significant grading or filling was performed within the 50-foot BVW buffer zone. The previously performed project did not have any adverse impact on the ability of the BVW to provide flood protection.

3.02B(3)

*"No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss."*

This standard is not applicable. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)

*"The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland."*

This standard is not applicable. The Propose Project will be connected to town water and sewer.

3.02B(5)

*"Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw."*

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

*"Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands."*

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

3.02B(7)

*"The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw."*

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

**CONCLUSION**

The Subject Property is a historically developed property which included an SFR, pervious driveway, and associated landscaping and grading. The majority of the 25-foot and 50-foot BVW buffer zone has been historically maintained as a lawn area. Work performed on the Subject Property by a previous owner included the relocation of the existing SFR and the

***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346

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construction of an addition, wooden deck, pervious patio, and associated landscaping. The previously existing SFR was entirely outside of the 50-foot BVW buffer zone. The majority of the newly constructed structures including the addition and wooden deck are within the footprint previously occupied by the existing SFR. No new structures are located within the 50-foot BVW buffer zone and no new alterations occurred within the 25-foot BVW buffer zone. All work performed is in compliance with State and local regulations and does not require any waivers under the Bylaw. The Applicant is seeking an OOC approving the previously performed site work. The Applicant feels that all previously performed activities did not result in any significant new or additional adverse impacts to the BVW or associated buffer zones and that the work was performed in compliance with all State and local performance standards. Therefore, the Applicant respectfully requests that the Commission grant an OOC approving the previously performed site alterations.

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***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346

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



1 Brock's Court - Nantucket, Massachusetts  
Map 42.3.4 Lot 84  
SDE Project No. 12035

Figure 3 - Detailed Site Overview  
October 30, 2015





1 Brock's Court - Nantucket, Massachusetts  
Map 42.3.4 Lot 84  
SDE Project No. 12035

Figure 4 - Wetland Boundaries  
October 30, 2015



## WETLAND DELINEATION INFORMATION

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***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346  
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**SCHOFIELD BROTHERS OF CAPE COD**

Engineering - Land Surveying  
Environmental Permitting  
161 Cranberry Highway  
P.O. Box 101  
Orleans, MA 02653-0101  
508-255-2098 - 508-240-1215 (fax)  
E-mail: schobro@verizon.net

July 16, 2015

Site Design Engineering, LLC  
11 Cushman Street  
Middleboro, MA 02346  
Attn: Daniel Mulloy, PE  
Principal

RE: 44 Liberty Street  
Nantucket, Massachusetts

Dear Mr. Mulloy;

At your request, on June 25, 2015 I visited the above referenced address to identify and delineate wetlands at or immediately adjacent to the subject property. It is my understanding that the buffer zone of a nearby wooded swamp may extend over the work limit for an existing dwelling that was recently renovated without a permit.

**Project Location/Description**

The subject property is located at 44 Liberty Street, west of downtown Nantucket. The existing and recently renovated dwelling is located on the easterly portion of the site. There is an existing lawn area in between the dwelling and the wooded swamp. The lawn area is surrounded by a well-established privet hedge.

According to Flood Insurance Rate Map #25019C0086G effective date June 9, 2014 the subject parcel is not within land subject to flooding.

There are two wetland resource areas affecting the subject property; a wooded swamp/isolated wetland to the west and a small pond to the southwest.

**Wetland Resource Area Descriptions**

**Isolated Wooded Swamp/Vegetated Wetland**

There is a wooded swamp that borders the westerly property line. The swamp is isolated, as it is surrounded by development. Topography within the wetland is rather hummocky and appear to have been altered in the past.

Consecutively numbered blue survey ribbon was used to delineate the wetland boundaries in the field. The wetland line was established utilizing topographic and hydrologic indicators. A small bank was observed in the topography running parallel to and behind the existing privet hedge separating the woods from the lawn. During the site visit made on June 25, 2015 there were areas of standing water observed within the wetland and in some places the soil was damp at the surface. It should be noted that in the northwesterly corner of the property, standing water was observed. However, upon further investigation, that particular area of standing water appears to be the result of a sump pump discharge and not standing groundwater.

**SCHOFIELD BROTHERS OF CAPE COD**  
Engineering - Land Surveying  
Environmental Permitting

The vegetation at the site was evaluated in accordance with the methods described in the Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act Handbook dated 1995 by the MA Department of Environmental Protection Division of Wetlands and Waterways. A significant amount of vegetation at this site is invasive. Japanese knotweed has overwhelmed the herbaceous and shrub layers of the wooded swamp. Other invasive plants observed within the wooded area immediately adjacent to the isolated wetland include garlic mustard and barberry. The vegetation in the area is predominantly invasive, non-wetland indicator plants. White poplar and red maple are the predominant trees within the wooded area. White poplar is not a wetland indicator plant, but the white poplars at the site showed signs of high groundwater indicators, such as shallowly rooted individual trees that have blown over. Red maple is a wetland indicator plant.

**Small Pond/Inland Water Body**

There is a small pond (shown on the attached locus map) located on an adjacent parcel southerly of the locus parcel. The pond's 100 foot buffer zone, and possibly portions of the 50 foot buffer zone, overlap the subject property. The edges of the pond should be accurately located to establish the buffer zones.

**Massachusetts Wetland Protection Act/Nantucket Wetlands Regulations**

**Massachusetts Wetland Protection Act**

The pond does not exceed a surface area 10,000 square feet and therefore would be considered *Isolated Land Subject to Flooding* (and not a pond) under the Massachusetts Wetlands Protection Act. The wooded swamp area appears to border on a marshy area to the west, but it does not border on a stream, river, creek, pond or lake and therefore the wooded swamp is also considered *Isolated Land Subject to Flooding* under the Massachusetts Wetlands Protection Act. *Isolated Land Subject to Flooding* does not have a protective buffer zone pursuant to the state act.

**Nantucket Wetlands Regulations**

Land within 100 feet of Vegetated Wetlands and Small Ponds are presumed to be significant to the interests of the Nantucket Bylaw and therefore both the small pond and the isolated vegetated wetland have protective buffer zones under the local regulations.

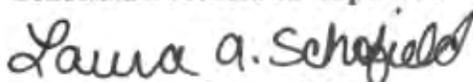
**Natural Heritage and Endangered Species**

Based on a review of the Massachusetts GIS online mapping Natural Heritage Data Layer, the site does not exist within any area designated as Estimated Habitat or Priority Habitat of Rare Wetlands Wildlife. There are also no certified vernal pools or potential vernal pools on this site or the adjacent parcels to the subject property.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

**Schofield Brothers of Cape Cod**



Laura A. Schofield, RS, SE  
Principal

enc.

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

Applicant: \_\_\_\_\_ Prepared by: L. Schofield Project location: 44 Liberty St DEP File #: \_\_\_\_\_

Check all that apply:

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

8± west of WF#4

## Section I. Vegetation

Observation Plot Number: 1W Transect Number: 1 Date of Delineation: 6/25/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Herbaceous Layer</u>				
<u>Japanese Knotweed/Polygonum cuspidatum</u>	<u>75%</u>	<u>100</u>	<u>yes</u>	<u>FACU-</u>
<u>Shrub Layer</u>				
<u>Japanese Knotweed/Polygonum cuspidatum</u>	<u>80%</u>	<u>80%</u>	<u>yes</u>	<u>FACU-</u>
<u>Privet/Ligustrum vulgare</u>	<u>20%</u>	<u>20%</u>	<u>yes</u>	<u>FACU</u>
<u>Tree Layer</u>				
<u>Red maple, Acerrubrum</u>	<u>20</u>	<u>19%</u>	<u>no</u>	<u>FAC*</u>
<u>White poplar, Populus alba</u>	<u>85%</u>	<u>81%</u>	<u>yes</u>	<u>NI* shallow roots</u>

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, 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: 3Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

**Section II. Indicators of Hydrology**

**Hydric Soil Interpretation**

**1. Soil Survey**

Is there a published soil survey for this site?     yes     no  
 title/date: \_\_\_\_\_  
 map number: \_\_\_\_\_  
 soil type mapped: \_\_\_\_\_  
 hydric soil inclusions: \_\_\_\_\_

Are field observations consistent with soil survey?     yes     no

Remarks: \_\_\_\_\_

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color

Remarks: \_\_\_\_\_

**3. Other:**

Conclusion: Is soil hydric?     yes     no

Site has been overwhelmed by →  
 invasives. Dominant tree shows adaptations  
 to high groundwater elevation.  
 (shallow root system)

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

- Site inundated: standing water in places
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: at surface in places
- 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: \_\_\_\_\_

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

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

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

Applicant: \_\_\_\_\_ Prepared by: L. Schofield Project location: 44 Liberty St. DEP File #: \_\_\_\_\_

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
  - Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
  - Method other than dominance test used (attach additional information)
- within lawn east of WF#4*
- Boring was performed ~ soil damp at 33"*

**Section I. Vegetation** Observation Plot Number: 10pl. Transect Number: 1 Date of Delineation: 6/25/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Herbaceous Layer: Lawn grass	100%	100%	yes	NO
Shrub Layer: Privet/Ligustrum vulgare	25%	71%	yes	FACU
Japanese Knotweed/ Polygonum cuspidatum	10%	28%	yes	FACU-

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

**Vegetation conclusion:**

Number of dominant wetland indicator plants: \_\_\_\_\_ 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? yes  no

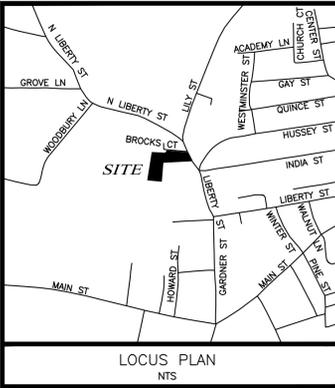
If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

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



**SITE DESIGN  
 ENGINEERING, LLC.**

11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0673 F: 508-967-0674  
 WWW.SITEDSIGNENG.COM



**LEGEND**

	PROPERTY LINE
	SPOT ELEVATION
	FENCE
	HEDGE LINE
	LANDSCAPING
	LIMIT OF WETLAND
	WETLAND FLAG
	25 FT. BUFFER ZONE
	50 FT. BUFFER ZONE
	100 FT. BUFFER ZONE

**ZONING CLASSIFICATION: R-1**

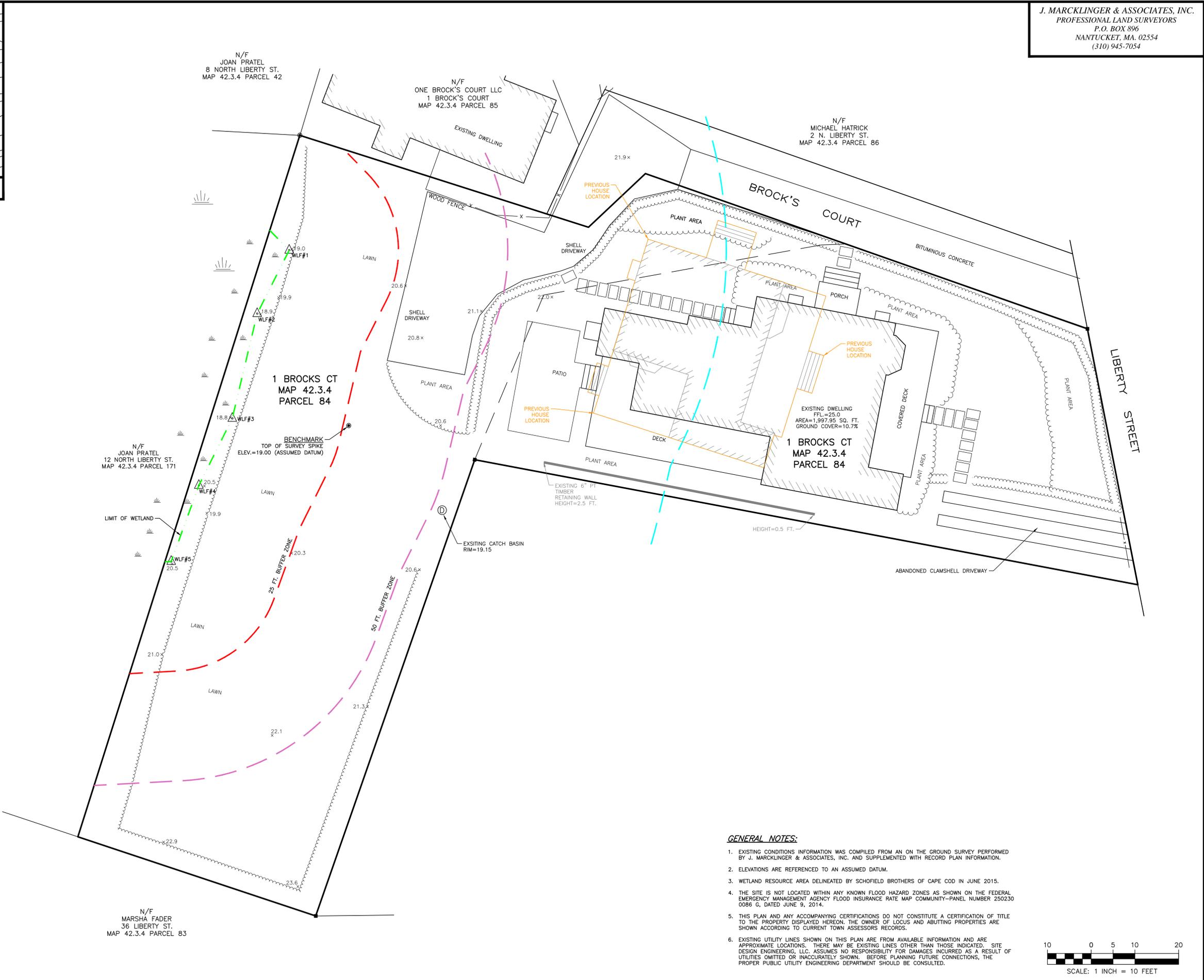
MINIMUM LOT SIZE 5,000 SQ. FT.  
 MINIMUM FRONTAGE 50 FT.  
 FRONT YARD SETBACK 10 FT.  
 REAR YARD SETBACK 5 FT.  
 SIDE YARD SETBACK 5 FT.\*  
 GROUND COVER RATIO 30%±

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

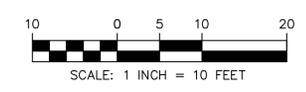
PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

**OVERLAY DISTRICT APPLICABILITY**

DORMITORY	--
EMPLOYEE HOUSING	--
FLOOD HAZARD	--
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	--
MID-ISLAND PLANNED	--
MULTI-FAMILY	--
SIASCONSET SEWER	--
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	--
WELLHEAD PROTECTION	--
MA DEP ZONE II	--
FORMULA BUSINESS EXCLUSION DISTRICT	--



- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
  - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
  - WETLAND RESOURCE AREA DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
  - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
  - 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.
  - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE 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.



NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL

**EXISTING CONDITIONS PLAN**

1 BROCK'S COURT  
 ASSESSOR'S MAP 42.3.4, PARCEL 84  
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:  
**EXISTING  
 CONDITIONS PLAN**

SCALE: **1"=10'**

SHEET NO.  
**1 of 1**



## **SITE DESIGN ENGINEERING, LLC.**

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

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November 27, 2015

SDE No. 12035

Ernest Steinauer  
Chairman – Nantucket Conservation Commission  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834  
1 Brock's Court  
Nantucket, Massachusetts  
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during the November 18, 2015 Public Hearing for the above referenced NOI application. Specifically, the Commission requested additional groundwater information, foundation information, and structural footprint information within the 100-foot BVW buffer zones.

### ***Groundwater Information***

Five (5) auger holes were performed on the Subject Property. The depth to groundwater at each auger location has been provided on the revised Site Plan.

### ***Foundation Information***

It has been confirmed that the entire existing structure is constructed on a slab and frost wall foundation. The existing structure does not have a full basement.

### ***Structural Footprint***

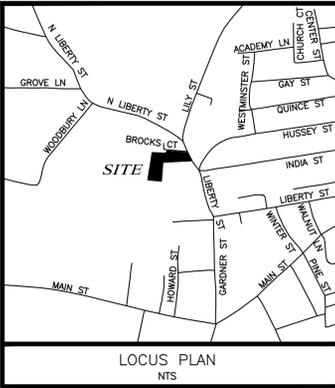
The previously existing structure had a footprint of approximately 1,150 square feet within the 100-foot BVW buffer zone. The existing structure has a footprint of approximately 475 square feet within the 100-foot BVW buffer zone. The existing wooden deck has a footprint of approximately 310 square feet within the 100-foot BVW buffer zone.

If you have any questions please feel free to contact me via email at [mrirts@sitedesigneng.com](mailto:mrirts@sitedesigneng.com) or at 508-802-5832.

Respectfully,  
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read 'Mark Rits'.

Mark Rits  
Project Manager/Permitting Specialist



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

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

**LEGEND**

- PROPERTY LINE
- 20.3 x SPOT ELEVATION
- x FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- △ WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW DEPTH TO GROUNDWATER

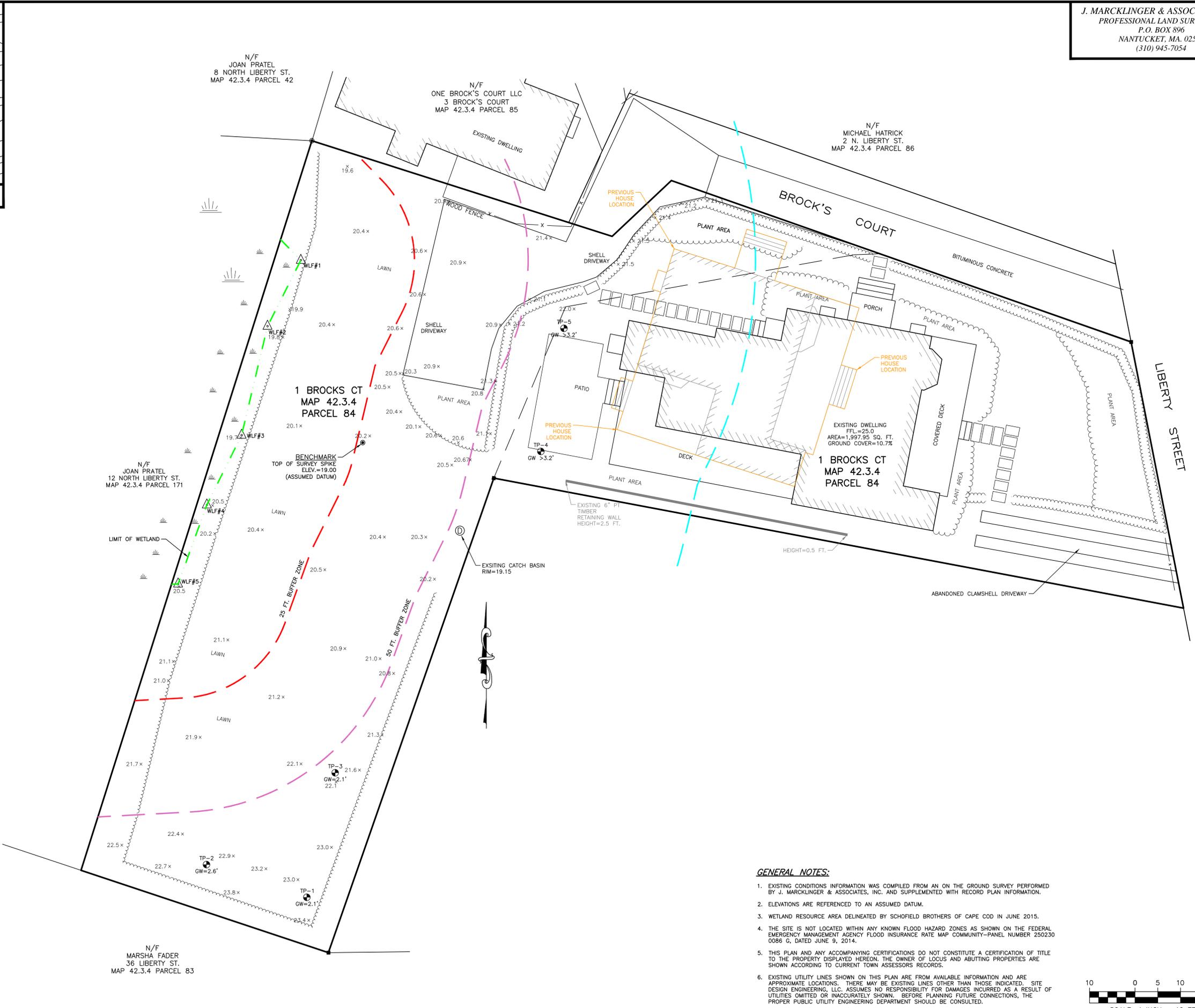
**ZONING CLASSIFICATION: R-1**

MINIMUM LOT SIZE 5,000 SQ. FT.  
 MINIMUM FRONTAGE 50 FT.  
 FRONT YARD SETBACK 10 FT.  
 REAR YARD SETBACK 5 FT.  
 SIDE YARD SETBACK 5 FT.\*  
 GROUND COVER RATIO 30%±

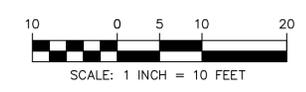
\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MULTI-FAMILY	—
SIASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
  - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
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NO.	DATE	DESCRIPTION	DCM	APPROVED
1	11/25/15	ADDED BORING LOCATIONS: REMOVE SHED		

PLAN REVISIONS

DATE: OCTOBER 29, 2015  
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM  
 PROJECT NO. 12035

ISSUED FOR: APPROVAL



**EXISTING CONDITIONS PLAN**

1 BROCK'S COURT  
 ASSESSOR'S MAP 42.3.4, PARCEL 84  
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:  
**EXISTING CONDITIONS PLAN**

SCALE: **1"=10'**  
 SHEET NO. **1 OF 1**



# SITE DESIGN ENGINEERING, LLC.

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

---

January 5, 2016

SDE No. 12035

Ernest Steinauer  
Chairman – Nantucket Conservation Commission  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834  
1 Brock's Court  
Nantucket, Massachusetts  
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during the Public Hearing for the above referenced NOI application. Specifically, the Commission requested additional groundwater and soils information for the Subject Property.

Additional site evaluation was performed on December 9, 2015 by Daniel C. Mulloy, PE and on December 16, 2015 By Laura Schofield. The December 9, 2015 evaluation included the excavation of three deep test pits (TP-6 through TP-8) along the eastern portion of the Subject Property (see attached plan). The December 16, 2015 evaluation included the excavation of three shallow test pits adjacent to the BVW on the western portion of the Subject Property.

Rainfall totals from the Nantucket Airport were obtained from the Weather Underground website ([www.weatherunderground.com](http://www.weatherunderground.com)) for the 7 days prior to each site visit (dates highlighted in blue) and are provided in Table 1 below.

**Table 1: Total rainfall data for the Nantucket Airport from [www.weatherunderground.com](http://www.weatherunderground.com) for the 7-day period prior to each site visit. Site visits highlighted in blue.**

Date	Precipitation (in)	Events
12/2/2015	0.1	Fog-Rain
12/3/2015	0.03	Fog-Rain
12/4/2015	0	
12/5/2015	0	
12/6/2015	0	Fog
12/7/2015	0	
12/8/2015	0.3	Rain
12/9/2015	0	
12/10/2015	0.02	Rain
12/11/2015	0	Fog
12/12/2015	0	
12/13/2015	0	
12/14/2015	0.33	Fog-Rain
12/15/2015	0.36	Fog-Rain
12/16/2015	0	

Nantucket received approximately 0.3 inches of rainfall in the 48 hours prior to the December 9, 2015 site visit and approximately 0.69 inches of rainfall in the 48 hours prior to the December 15, 2015 site visit.

### ***Deep Observation Hole Groundwater Information***

Three (3) deep observation holes were excavated using a small track mounted excavator along the eastern side of the Subject Property on December 9, 2015. TP-6 was located near the southeast corner of the Subject Property closest to the Fader Pond. TP-7 was located along the central portion of the Subject Property near the existing catch basin. TP-8 Was located in the existing shell driveway adjacent to the existing stone patio. Complete logs of each test pit location are provided below.

TP-6 showed weeping at the top of the C-1 layer (36") and mottling at 32". No weeping was observed within the C-1 layer. After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 108 inches.

TP-7 showed weeping at 24-48" (within the C-1 layer). No mottles were observed in TP-7. After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 88 inches.

TP-8 showed weeping just above the C-1 layer (26-32") and mottling was observed at 70". After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 75 inches.

### ***Shallow Test Pit Groundwater Information***

Three (3) shallow test pits were excavated by Laura Schofield along the western portion of the Subject Property on December 16, 2015. These test pits were excavated by hand. Test Pit #1 was located along the southwestern portion of the Subject Property closest to the Fader Pond. Test Pit #2 was located along the central portion of the Subject Property. Test Pit #3 was located along the northwestern portion of the Subject Property. Complete logs for each Test Pit are included in the Attached Schofield Brothers report.

Test Pit #1 showed isolated weeping in one pocket at a depth of 12 inches. No mottles were observed in the test pit. A boring was done in the center of the Test Pit and groundwater was encountered at 43". After the Test Pit had been allowed to remain open for a time ground water rose to 31".

Test Pit #2 showed no weeping. No mottles were observed in the test pit. A boring was done in the center of the Test Pit and groundwater was encountered at 33". Remnants of an old organic horizon was encountered at 39 inches.

Test Pit #3 showed no weeping. No mottles were observed in the test pit. No ground water was observed in the test pit.

### ***Summary***

The supplemental soils and groundwater information indicates that there is a transient perched water table at a depth of 2-3 feet below the surface with an actual water table at a greater depth. Soils

information collected by Laura Schofield in the area immediately upland of the BVW boundary indicates that hydric soils are not present and confirms the previously delineated extent of the BVW.

If you have any questions please feel free to contact me via email at [mrits@sitedesigneng.com](mailto:mrits@sitedesigneng.com) or at 508-802-5832.

Respectfully,  
Site Design Engineering, LLC.



Mark Rits  
Project Manager/Permitting Specialist

Deep Observation Hole Number: 6

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-12	A	10 YR 2/2				Sandy Loam					
12-36	B	10 YR 5/8	-	-	0	Loamy Sand					
36-100	C1	5 Y 6/3	-	-		Silt Loam, Clay			massive		firm
100-120	C2	5 Y 5/1				Sand			loose	wet	

Additional Notes:

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Weeping at 36", mottling at 32", no weeping within C1 layer, perched water table on top of C1 restrictive layer, standing water 108"

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Deep Observation Hole Number: 7

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-12	A	10 YR 2/2				Sandy Loam					
12-84	C1	10 YR 3/1	-	-	0	Sandy Loam			blocky	moist	
84-120	C2	5 Y 5/1	-	-		Sand			loose	wet	

Additional Notes:

Weeping at 24"-48" perched, no mottling observed, standing water 88"

Deep Observation Hole Number: 8

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-32	Fill										
32-68	C1	10 YR 3/1	-	-	0	Sandy Loam			blocky	moist	
68-108	C2	5 Y 5/1	-	-		Sand			loose	wet	

Additional Notes:

Weeping at 26"-32" perched, standing water 75", mottling at 70"



**SCHOFIELD BROTHERS OF CAPE COD**

Engineering - Land Surveying  
Environmental Permitting  
161 Cranberry Highway  
P.O. Box 101  
Orleans, MA 02653-0101  
508-255-2098 - 508-240-1215 (fax)  
E-mail: schobro@verizon.net

December 21, 2015

Site Design Engineering, LLC  
11 Cushman Street  
Middleboro, MA 02346  
Attn: Mark Ritts

RE: 1 Brock's Court  
Nantucket, MA

Dear Mr. Ritts;

As you requested, I conducted a site visit on December 16, 2015 for the purpose of evaluating the soil conditions within the lawn adjacent to the privet hedge along the westerly property line at 1 Brock's Court to provide additional information to the Conservation Commission.

Three test pits were performed parallel to the westerly privet hedge. The results are as follows:

Test Pit #1

<b>Horizon</b>	<b>Depth</b>	<b>Matrix Color</b>	<b>Mottles Color</b>
Fill	0-18"	10 YR 2/2	No mottles observed but some oxidized rhizospheres noted at 8-14".

Fill is a sandy loam. Bits of brick were observed. At 12" some weeping in the pit was noted, but it was observed only in one pocket and there had been rain in the prior 24 hours. A boring was done in the bottom of the test pit. Groundwater was encountered at 43". Eventually the groundwater rose to 31" after the boring was left to stand open for a period of time.

Test Pit #2

<b>Horizon</b>	<b>Depth</b>	<b>Matrix Color</b>	<b>Mottles Color</b>
Fill	0-18"	10 YR 2/2	No – but some oxidized rhizospheres noted

Fill is a sandy loam. At 12" there were some small pockets of sand (10 YR5/3) noted. Fill contains few pieces of brick.

A boring was done in the bottom of the test pit. Remnants of an old organic horizon was noted at 39"  
Groundwater observed at 33"

**SCHOFIELD BROTHERS OF CAPE COD**

Engineering - Land Surveying

Environmental Permitting

Test Pit #3

<b>Horizon</b>	<b>Depth</b>	<b>Matrix Color</b>	<b>Mottles Color</b>
Fill	0-12"	10 YR 2/2	No mottles observed but some oxidized rhizospheres noted

Fill is a sandy loam. Brick pieces observed in the fill.

Fill (sand)	12-18"	10 YR 5/4	No mottles observed. No groundwater observed.
-------------	--------	-----------	--

In a report dated July 16, 2015 summarizing my initial field visit, I noted that "a small bank was observed in the topography running parallel to and behind the existing privet hedge separating the wooded swamp from the lawn". The depth of the observed water table below the test pits seems consistent with the elevation of the adjacent wetland. The presence of the fill in the test pits and the traces of an old organic horizon at approximately the same elevation suggest that the lawn area was altered at some point in the past.

While some oxidized rhizospheres were observed in the test pits, and these are an indicator of saturated soil conditions, the fill material in the test pits is a very dark brown material and any mottles, if present, were not observed within 18" of the ground surface.

Catch basin/drainage swale at the inside corner of the L-shape property corner

There is a catch basin located at the inside corner of the L-shape in the subject property. There is what appears to be man-made drainage swale in conjunction with the catch basin that extends along the property line in a southerly direction for several feet until it dwindles away into the privet hedge. Running or standing water was not observed in the swale during my December 16, 2015 field visit. As the swale does not connect to another wetland resource area upgradient of the catch basin, it appears that the swale was perhaps intended to collect and direct surface water runoff towards the catch basin.

Very truly yours,

**Schofield Brothers of Cape Cod**

*Laura A. Schofield*

Laura A. Schofield, RS, SE  
Project Manager



January 12, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE:           Review, Notices of Intent  
              Brock's Court, Nantucket, MA  
              DEP Files SE 48-2834, 2835  
              NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) met Jeff Carlson, representing the Nantucket Conservation Commission, and consultants to the Notice of Intent applicants at Brock's Court on January 7, 2015. NEE was representing the interests of concerned abutters to the property. During the site visit all parties were able to observe aspects of current hydrology and soil conditions at the 1 Brock's Court and 36 Liberty Street properties. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

### **Soils and wetland boundaries**

NEE, representing the abutters, and Laura Schofield, representing the applicant, had noted that a small pond and potential bordering wetlands were present on the 36 Liberty Street property, well within 100 feet of a proposed new house on the Brock's Court property. During the site assessment on January 7, several soil borings and pits were made in the mown lawn on the northern side of the pond. It was agreed that hydric soil profiles were present in most of these locations. The soil profiles were similar to the soil profile described in the NEE report of September 9, 2013, and were consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Due to fading daylight and limited time, it was agreed to mark the edge of soil profiles agreed by all parties to be hydric. Three orange stick flags numbered A1-A3 were placed adjacent to soil borings. This was not a wetland boundary delineation, as soils were not sampled in all locations north of these flags, but it marks the limit of wetland conditions agreed during the available time on January 7. The flags were to be surveyed and placed on the project plans by Site Design Engineering. Revised plans have not been made available as of this submission on January 12.

A separate soil pit was excavated on the Brock's Court property, approximately 15 feet south-southeast of flag WF5, in mown lawn east of the privet hedge which occupies the western edge of this lot. This soil profile was consistent with NRCS Hydric Soil Indicator F6 (Depleted Dark Surface). A description of this soil, with photographs, is attached to this report. Again, time limitations made it impossible to conduct further examination of soils within the Brock's Court lawn. However, this soil did have oxidized

rhizospheres within the upper 12”, as well as other high-chroma pore linings. Oxidized rhizospheres were noted in the three soil profiles submitted by Schofield Brothers in a letter to Site Design Engineering, dated December 21, 2015. These are high-chroma redoximorphic features which form under saturated soil conditions. Observation of 2% or more oxidized rhizospheres within the top 12” of the soil is considered a primary indicator of wetland hydrology (Corps of Engineers Hydrology Indicator C3). The Schofield letter noted “no mottles” within the three profiles, but this contradicts the finding of oxidized rhizospheres.

These soil observations support the finding that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incomplete or incorrect, and that additional wetlands within the Brock’s Court lawn and associated with the 36 Liberty Street pond will extend their 50-foot no-structures buffer zones onto the footprint of the proposed new house at Brock’s Court.

### Site and neighborhood hydrology

Three additional deep observation holes were dug by Site Design Engineering on the Brock’s Court site on December 9, 2015, and labeled TP-6, TP-7, and TP-8 on the Field Diagram which accompanies the letter to the Nantucket Commission dated January 5, 2016. Water was recorded as weeping from the sides of these pits at 26”, 24”, and 36”, respectively, with “mottling” noted in TP-8 at 32”. Groundwater in three soil borings around TP-8 (TP-1, 2, and 3) was noted to be at 2.1’, 2.6’, and 2.1’, respectively, on the revised Existing Conditions Plan by Site Design Engineering, revision date 11/25/15. Water was noted weeping from one of the Schofield shallow pits at 12”, standing water in another at 33”, and no water in the third pit which extended only down to 18”. Standing water in the NEE pit southeast of flag WF5 was seen at 18”. All of these observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12” and 36”. However, this is not the high water level on this site. 2015 was a dry year (30.38” precipitation, over 7” under the annual average of 37.53”), and even in a normal year, groundwater levels are highest in the early spring. The following table shows water levels below ground surface in the two USGS groundwater monitoring wells closest to Brock’s Court, which are located to the east near Old South Road (411609070050701) and Rugged Road (411535070051002).

well number	spring average*	11/25/2015	12/22/2015
411535070051002	20.07 feet	22.47 feet	22.25 feet
411609070050701	7.70 feet	9.86 feet	9.75 feet

\* 10-year average 2006-2015, inclusive, of readings on April 24-29, except 2012, when the reading was on March 29.

This data shows that groundwater levels in these two wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring. If groundwater on the Brock’s Court site showed a similar pattern, we could expect that high water levels in a normal spring would be within a foot of the surface, and possibly at the surface in low spots. If these water levels were to persist for a week or more during the growing season, then wetland hydrology would be present.

Observations made during the site visit on January 7 confirmed that the pond on the Liberty Street property is at a higher elevation than the Brock’s Court lawn. Both surface water and groundwater can be expected to move north, following the surface topography. Groundwater moving north from Brock’s Court may flow through sandy soils under North Liberty Street, toward the topographical depression known as Lily Pond. The unpermitted fill already placed around the existing home, and the proposed new structures, will alter the neighborhood hydrology. Neighbors have already observed increased

surface flooding on adjacent properties. The construction of a pool and house, with increased impervious surface and structures sure to be within groundwater, will further displace groundwater and affect the flow of surface water. There is currently a lack of information about existing hydrology, in particular whether the grate in the privet hedge on the eastern side of the lawn is connected to a working drainage system, and the fate of surface water running off the property. Further, the applicant has not, to this point, modeled the hydrological changes which will result from the project. Both groundwater and surface water leaving the site may end up in Lily Pond. The effects upon water levels and water quality are unknown.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,  
New England Environmental, Inc.



Bruce Griffin  
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket  
Mark Rits, P.E., Site Design Engineering, LLC  
Laura Schofield, R.S., Schofield Brothers of Cape Cod  
Kendra Kinscherf, Esq., Davis, Malm & D'Agostine, P.C.  
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets

**SOIL**

Sampling Point: 15' SE of WF5

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-3"	2.5Y2.5/1	100%	none				sandy loam	some stripped grains
3-14"	10YR3/1	88%	7.5YR4/4,4/6	2%	C	PL	sandy loam	incl. oxidized rhizospheres
			10YR4/1,5/1	10%	D	M		
14-18"	10YR4/1	90%	10YR7/1	10%	D	M	sandy loam	
18-24"	10YR4/1	60%	10YR7/1	20%	D	M	sandy loam	
	10YR3/1	20%						

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:**

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

**Remarks:** Redox concentrations, including but not limited to oxidized rhizospheres, begin at about 6" from surface.



**SOIL - additional photos and remarks from Brocks Court soil pit**

Sampling Point: 15' SE of WF5



**Remarks:** Photographs of redox concentrations and depletions within second layer of soil profile. Evidence of historic fill and disturbance, including a chip of coal, were seen. Standing water at 18" was observed in the pit. This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

Kendra Kinscherf

January 13, 2016

**VIA EMAIL**

Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

Re: One Brock's Court Notices of Intent (SE48-2834 & SE48-2835)

Dear Members of the Conservation Commission:

This office represents Marsha Fader, who is an abutter to the proposed project at One Brock's Court. I submit this letter in opposition to the proposed development of the property. The proposed development does not comply with the Nantucket Wetlands Bylaw and Wetland Protection Regulations and will have a significant impact on wetlands resources in the neighborhood.

My client's and the Applicant's properties are located adjacent to Bordering Vegetative Wetlands (BVW), which are protected under Nantucket's bylaw and regulations. The following provisions are relevant to the applications before you:

- All structures that are not water dependent must be at least 50 feet from the vegetated wetland;
- No more than 50% of the area located within the 25- and 50-foot buffer shall be altered; and
- All structures must maintain an undisturbed two-foot separation to high groundwater.

In order to grant waivers from these requirements, the Applicant has the burden of demonstrating:

that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations... The burden of proof to show no

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reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not [*sic*] otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

Regulations § 1.03F.3(a). The Applicant has not met any of these requirements.

*The Proposal Does Not Meet the Performance Standards Set Forth in the Regulations*

The Applicant proposes to construct a second home on the Property and install a pervious patio, pervious driveway, and an in-ground pool. Although the Applicant has not yet provided all of the previously requested information, it is clear that the proposal will not comply with the applicable performance standards.

As addressed during the first hearing, the Applicant's delineation of the BVW is not accurate. Additional soil samples taken by Schofield Brothers of Cape Cod and New England Environmental, Inc. have identified hydric soils at least twenty feet from the pond on Ms. Fader's property and also in the lawn area of the Applicant's property, as well as oxidized rhizospheres along the privet hedge on the Applicant's property. According to the DEP's Delineating Bordering Wetlands Manual, hydric soil indicators take many years to develop and are therefore good indicators of wetland hydrology. Also as noted in that Manual, where the vegetation was previously altered (as here with the filled and lawn areas of the properties), the use of soil characteristics is necessary to delineate BVW due to the lack of native vegetation. The presence of the hydric soils and oxidized rhizospheres are indicators of wetland hydrological conditions and confirm saturated soil conditions just below the surface. In addition, the presence of hydric soils meets the definition of freshwater wetlands in the Nantucket Wetlands Regulations.

Schofield Brothers of Cape Cod has also noted that the Applicant's property has areas of fill. It is our understanding that the location of the pool, if not a greater area, is an area previously filled. According to DEP's Manual, in order to accurately characterize filled areas, it is necessary to dig below the fill and take samples of the original soil. It does not appear this practice was followed by Schofield at all test locations. However, in its December 21, 2015 report, Schofield indicated that the groundwater was at a shallower depth than the original soil (groundwater at 33"; old organic soil at 39").

Based on this data, the Applicant's delineation of the BVW is not accurate and the boundary of the BVW is located farther within the boundaries of the Applicant's property. In addition, the pond on Ms. Fader's property meets the Nantucket Wetlands Regulations' definition of a pond, subjecting it and the surrounding vegetated wetland (meadow) to protection.

As a result of a proper delineation, the locations of the 25-foot, 50-foot, and 100-foot buffer setbacks will change from those shown on the plans submitted and have a significant impact on the proposed

project. The 50-foot buffer should be shifted to the east, and thus, the proposed second home and in-ground pool will be in between the 25-foot and 50-foot buffer. Since structures are not permitted within that buffer zone, the proposed project will violate the performance standards under the local regulations. *See* Regulations §§ 3.02B.1 & 3.03B.1.

Even if the Applicant's wetlands delineation and buffer setbacks are not changed, the proposed project does not comply with the performance standards. Based upon the plans, it appears that more than 50% of the area between the 25- and 50-foot buffers will be altered and become a pervious driveway and patio. Although these areas will be pervious, they will become compacted over time, reducing the capability of water infiltration and drainage. This raises concerns of flooding in an area already prone to flooding due to the high water table.

Based upon the Applicant's waiver request, the proposed project does not meet the requirement of maintaining the 2-foot separation between structures (the second home and the pool) and groundwater. Regarding the in-ground pool, the Applicant indicates that groundwater is at a depth greater than 3.2 feet. No information on the precise depth is provided. Because the pool will be at a depth greater than 3.2 feet and because it is well documented that the water table is high in this area, a 2-foot separation will not occur.

In addition, as described by NEEI in its most recent submission, it is likely that the groundwater will be within a foot of the surface during normal spring conditions. Therefore a 2-foot separation between the foundation of the new building and groundwater will not be maintained.

Overall, the large amount of compacted pervious and impervious surfaces proposed to be added to the Applicant's property likely will cause a significant alteration to the hydrology of the area and result in adverse impacts to the resources protected by Nantucket's Wetlands Bylaw and Regulations.

#### The Applicant Has Not Demonstrated Waivers Are Appropriate

As conceded by the Applicant, waivers are necessary for the proposed project even if the wetlands delineation remains the same. The Applicant is required to provide an analysis of alternatives and an explanation why such alternatives are not feasible. The Applicant also must demonstrate that the proposed project will not adversely affect the wetlands resources.

The Applicant utterly failed to provide any analysis of alternatives that would not result in violations of the regulations. In considering possible alternatives, the Conservation Commission should analyze the proposal as a single project because the Applicant should not benefit from the previous unapproved work by arbitrarily separating it into two Notices of Intent. This is not a case in which the Applicant is left with no possibility of developing its property. When viewed as a whole, the Applicant already has a single-family home on the property. There is absolutely no need for a secondary dwelling or in-ground swimming pool. Simply put, the Applicant's first Notice of Intent seeking approval for work already done to improve the single-family home can be approved with no

January 13, 2016  
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DAVIS MALM &  
D'AGOSTINE P.C.  
ATTORNEYS AT LAW

significant violations of the regulations. The requested waivers for the additional work therefore are unjustified.

In addition, it cannot seriously be contended that the project will not have adverse impacts on the interests protected by Nantucket's Wetlands Bylaw. The Bylaw protects wetlands values in Nantucket, including groundwater and flood control. The proposed project likely will alter groundwater and the infiltration and drainage capacity of the soils in the area by increasing the amount of compacted and impervious surfaces, and by displacement due to the below-surface structures.

Since the Applicant cannot meet its burden of demonstrating compliance with Section 1.03F.3(a), the Conservation Commission should deny the request for the waivers.

The proposed project does not meet the requirements of the local wetlands regulations, and Ms. Fader respectfully requests that the Conservation Commission deny an Order of Conditions.

Sincerely,



Kendra Kinscherf

KK:

cc: Client  
Jeff Carlson  
Steven Cohen  
Mark Rits

The contest of the application for 44 Liberty Street is not about a "not in my backyard" complaint. The proposed development at 44 Liberty Street is about the abuse of a resource--a resource that once was a wooded wetland, home to pheasant and water-loving plants. In the late 1990's this wooded area was cut down, grassed over and filled with soil in an attempt to add yet another piece of property for development. These are facts. In the months that followed, my parents and I watched the remaining trees that bordered this property begin to decline from diversion of a natural water flow. Water, which now had no resting place from its downward path began to pool in the surrounding yards. Gradually, our backyard trees declined and died as the water pooled. Ironically, but obviously to local residents who knew how wet the area already was, no house or structure was ever built on this property despite the unscrupulous efforts of real estate agents to advertise the land as 'developable'. In fact, even mowing the grassed lawn was almost impossible at times because of the naturally high water table. Landscapers can verify this.

This wetland condition is intimately known to us as we have observed it over the many years we have lived at 36 and 42 Liberty Street. The water table has always been close to the surface. To see yet another attempt to sidestep what Mother Nature has naturally intended is frustrating and essentially abusive to what was once a pristine wetland swamp. While the applicant may not know this history as we do, we strongly feel that the science speaks for itself. The science will demonstrate the history of the land and show that the proposed development is ultimately wrong from a regulatory and resource protection standpoint.

Lastly, the final insult to this condition is the disregard for the grading against code which the applicant uses, and the retaining wall which further impedes the flow of water. This exacerbates the already pooling condition of our yard and is clearly over a foot above the lowest section of our yard. We are frankly at a loss as to how this re-grading was allowed by local authorities, and feel further victimized by the damage from the natural water flow. We not only urge decisions on this application to deny further insult to this resource and take absolute steps to enforce local and national wetland law, but propose an absolute remediation of the harm that has already been done.

Greg and Caryl Elder  
42 Liberty Street



February 4, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE:           Review, Notices of Intent  
              Brock's Court, Nantucket, MA  
              DEP Files SE 48-2834, 2835  
              NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) again met Jeff Carlson, representing the Commission, and Mark Rits of Site Design Engineering, LLC at Brock's Court and the adjacent property at 36 Liberty Street on January 21, 2016. During the site visit NEE was able to further investigate soil conditions on and around the Brock's Court site, delineate the edge of wetlands at 36 Liberty Street closest to Brock's Court, and assess neighborhood hydrology and the wetlands complex that occupies the northern slopes of Quarter Mile Hill. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

NEE dug soil pits in two new locations on the Brock's Court lot, and performed soil borings on the adjacent lot to the east, at 42 Liberty Street. Soil profiles are described on attached Corps of Engineers data forms, and were designated H2, H3, and H4. The location of the soil pit dug on January 7, for which a profile was submitted to the Commission previously, was designated H1. The approximate locations of these soils are shown on the attached figure labeled "soil pit sketch". All four locations were also surveyed by Mr. Rits. These soil profiles were all consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Mr. Rits also surveyed the location of three orange stick flags numbered A1-A3 on the 36 Liberty Street property, which were placed adjacent to soil borings agreed by all parties to be hydric during the January 7 assessment. Revised plans showing these hydric soil locations have not been made available as of this submission.

These soil observations provide additional evidence that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incorrect, with additional wetlands within the Brock's Court lawn and extending onto 36 and 42 Liberty Street.

In our letter of January 12, NEE provided evidence that seasonal high groundwater elevations might be higher than those previously submitted by Site Design Engineering. Their observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12" and 36" below the surface. Data from two USGS groundwater monitoring wells on Nantucket shows that groundwater

levels in these wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring.

On January 16 a rain storm deposited over an inch of rain on Nantucket. The pond at 36 Liberty Street was overflowing, with sheet flow toward Brock's Court. Surface water was visible in the Brock's Court lawn and on the lawn at 42 Liberty Street. Photographs of these locations taken at 10 a.m., as the rain was ending, are attached to this letter. Photographs of the same areas a day later, January 17 at 10 a.m., show that water was still visible at the surface. This is further evidence that groundwater levels at the proposed house site on Brock's Court are much higher than previously reported, and that the proposed structure not only cannot be built with the mandated two feet of separation from groundwater, but would actually be within the groundwater during a portion of the year.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,  
New England Environmental, Inc.



Bruce Griffin  
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket  
Gregory DeCesare, Massachusetts Department of Environmental Protection  
Mark Rits, P.E., Site Design Engineering, LLC  
Laura Schofield, R.S., Schofield Brothers of Cape Cod  
Paul Feldman, Esq., Davis, Malm & D'Agostine, P.C.  
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets, soil pit sketch, site photographs

**SOIL**

Sampling Point: H2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4"	10YR2/1	100%	none				sandy loam	some stripped grains
4-10"	10YR3/1	75%	7.5YR3/3,3/4	5%	C	PL	sandy loam	5/1 mixed, not depletions
	2.5Y5/1	20%						
10-20"	2.5Y5/1	65%	2.5Y6/1	15%	D	M	sandy loam	
			7.5YR3/3,3/4	20%	C	PL		

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:**

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_  
 Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

**Remarks:** This hydric soil also matches New England indicator VII, Depleted Below Dark Surface.





**Remarks:** Photograph of redox concentrations and depletions within third layer of soil profile. Mixing in second layer may be evidence of historic disturbance. Standing water at 16" was observed in the pit. New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).



**SOIL - additional photo and remarks from Brocks Court soil pit H3**

Sampling Point:

H3



**Remarks:** Photograph of redox concentrations and depletions within second layer of soil profile.  
Evidence of historic disturbance included chunks of coal or coke, patches of 10YR4/3 loamy sand around pit walls .  
Standing water not observed within this 16" pit.  
New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).



**SOIL - additional photo and remarks from H4 soil boring**

Sampling Point:

H4

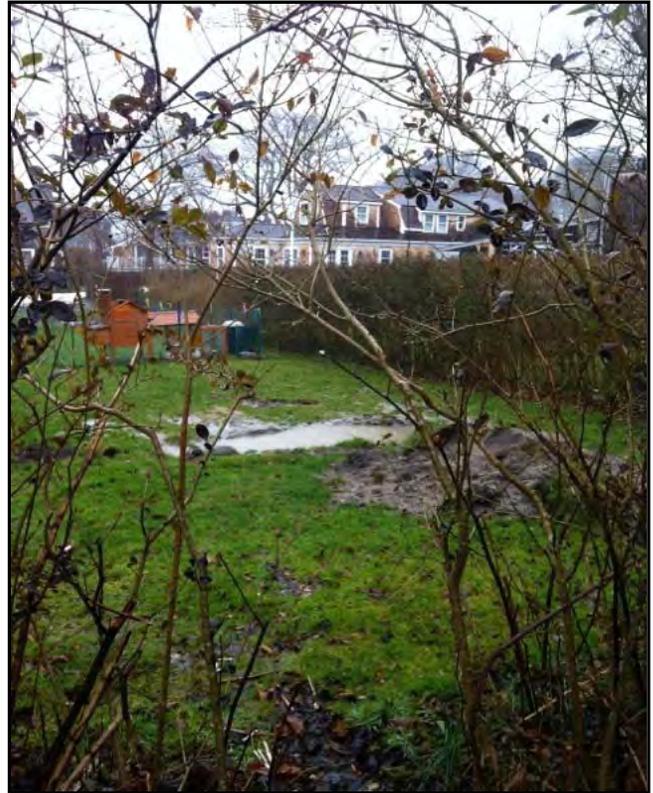


**Remarks:** Photograph of redox concentrations from the first bite of the auger.  
Soil probably contains at least some fill.  
Standing water at 4" was observed in the hole.  
This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

**Photo 1:**

Looking northeast at the 1 Brocks Court lawn, at the end of a rainstorm. Groundwater is at the surface.

Photograph taken January 16 at 10 a.m.



**Photo 2:**

The same location 24 hours later, with groundwater down only slightly.

Photograph taken January 17 at 10 a.m.





**Photo 3:** The northern property line at 42 Liberty Street, which is subject to frequent flooding. Photograph taken January 16 at 10 a.m.



**Photo 4:** The same location on January 17 at 10 a.m.



## **SITE DESIGN ENGINEERING, LLC.**

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

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February 4, 2016

SDE No. 12035

Ernest Steinauer  
Chairman – Nantucket Conservation Commission  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834 and SE48-2835  
1 Brock's Court  
Nantucket, Massachusetts  
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during multiple Public Hearings for the above referenced NOI application for work proposed on the 1 Brock's Court property (Subject Property). Specifically, issues associated with a potential wetland resource area on property located at 36 Liberty Street (Map 42.3.4 Lot 83) hereafter referred to as the "Fader Property", questions about the wetland resource delineation on the Subject Property, and questions about groundwater elevations on the Subject Property.

A site visit was performed on both the Subject Property and the Fader Property on January 7, 2016. The site visit was attended by Jeff Carlson (Conservation Commission), Bruce Griffin (New England Environmental), Mark Rits (Site Design), Laura Schofield (Schofield Brothers), Marsha Fader (abutting property owner), and Lucy Dillon (abutter).

The purpose of the site visit was to evaluate potential resource areas on the Fader Property and to provide Mr. Griffin an opportunity to perform a field evaluation of the soils information which was submitted to the Commission on January 5, 2016.

### **Subject Property Development History**

Figure 1 shows a 1940 aerial photograph (Nantucket GIS) of the Subject Property and the surrounding area. It is clear from this photograph that the western portion of the Subject Property was landscaped and that a substantial building was present on the northern portion of the Subject Property approximately where the existing pervious driveway is currently located. It is also clear that there was an enclosure on the southern portion of the Subject Property (likely an animal pen) in the approximate location of the proposed secondary dwelling. Additionally, the property to the west of the Subject Property was in agricultural use and was the site of a large building in an area which is currently delineated as a wetland. It is clear from this photograph that the Subject Property and the surrounding properties have been historically developed and heavily modified and have been in both residential and agricultural use for an extended period of time.

## **Project Modifications**

The Applicant is submitting a two revised site plans dated February 3, 2016 for the NOI application for the previously performed house relocation (SE48-2834). The first revised plan is titled "Existing Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Existing Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The Applicant is also submitting two revised site plans dated February 3, 2016 for the NOI application for the secondary dwelling and swimming pool (SE48-2835). These plans also include minor modifications to the Proposed Project. The first revised plan is titled "Proposed Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Proposed Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The project modifications in both Proposed Conditions plans are the same and include enhanced buffer zone plantings and a modified driveway configuration going to the proposed secondary dwelling. The previously proposed pervious driveway will now include a central grass strip as indicated on both sets of revised site plans.

## **Fader Property Site Overview**

The entirety of the Fader Property including the portion adjacent to the Subject Property has been previously altered, developed, and landscaped. Historical alterations of the Fader Property include extensive terracing of the western portion of the property (see Photos 1 through 4), construction of a partially lined man-made pond on the property (see Photos 5 through 8), use of a circulation pump in portions of the pond (see Photos 9 and 10), construction of a wooden bridge over a portion of the pond (see Photo 7). According to the current property owner, the original terracing of the Fader Property and the excavation of the original man-made pond were performed sometime between 1910 and 1920. The original configuration of the man-made pond was different from the current configuration. Aerial photographs from 1940 (Nantucket GIS) show a pond which is substantially different from the current configuration (see Figure 1 and Figure 2). It is unclear exactly when the pond configuration was altered or when the bridge was constructed, a portion of the pond was lined, and pumping equipment was installed. The terracing altered the existing grade on the Fader Property such that the area adjacent to the man-made pond is now relatively flat (see Photo 5 and Photo 6) instead of following what was likely originally a gentle slope similar to the one which extends onto the Subject Property and the natural wetland to the northwest. The resulting flat portion of the Fader Property is inconsistent with the slope on the southern portion of the Fader Property and the slope which is found on the Subject Property and the adjacent natural wetland area. It is our understanding that the area surrounding the man-made pond has been continuously maintained as a landscaped lawn area since it was constructed. This area does not currently include, nor is there any evidence that it has historically included, any significant native wetland vegetation which was not continuously mowed. The area around the man-made pond as well as the remainder of the western portion of the Fader Property consists of a well maintained manicured lawn (see Photos 11 and 12). Additionally, there are several large stumps located on the northern portion of the Fader

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Property immediately south of the Subject Property boundary (see Photos 13 through 14). Recent aerial photography (Google Earth imagery) indicate that several large trees or shrubs were present on this portion of the property and that they may have been removed from the Fader Property within the last couple of years. Additionally, the Property Owner indicated that there were issues with invasive species encroaching onto the property from the adjacent parcel to the northwest. As there are currently no invasive species along the northern portion of the Fader Property the assumption is that these have been removed. The man-pond on the Fader Property and the area surrounding the man-pond have been significantly altered and have been continuously maintained for an extended period of time and do not exhibit the characteristics of a natural system.

A review of Conservation Commission files for the Fader Property as well as for all abutting properties did not include any filings which delineate the existing man-made pond or any other portions of the Fader Property as a wetland resource area. Additionally, there have been no filings on the Fader Property for any activities including the removal of trees, lining of a portion of the pond, installation of pumping equipment, construction of a bridge, installation of split-rail fencing, or invasive species management along the northern portion of the Fader Property which is located within the buffer zone to an off-site BVW.

#### **Fader Property Site Evaluation (January 7, 2016)**

During the January 7, 2016 site visit, a number of auger holes and shallow test pits were excavated on the Fader Property. The test pits and auger holes were excavated between the existing man-made pond and the Subject Property boundary. The presence and/or extent of hydric soils around other portions of the man-made pond was not determined as part of the January 7, 2016 site evaluation. Test pits and auger holes were excavated into fill material which was comprised primarily of topsoil near the surface with medium to fine sands below. The test pits and auger holes indicated that hydric soils were present in an area adjacent to the man-made pond. These hydric soils extend for a distance of approximately 15-20 feet from the edge of the man-made pond in a northerly direction towards the Subject Property boundary. Mr. Griffin indicated that the underlying sands exhibited hydric characteristics because they were very pale in color. It is important to note that on Nantucket the presence of light colored sands may not necessarily be a hydric indicator as light colored sands are widespread throughout the island. A series of three pin flags were placed by Mr. Griffin to delineate the approximate boundary of the near surface hydric soils in the area located between the existing man-made pond and the Subject Property boundary. The location of the pin flags has been survey located and is shown on the revised Site Plan. The observed hydric indicators were present in loam and fill which was placed on the property as part of original historic site alterations and/or more recent landscaping and maintenance work.

A large natural wetland system is found on the property located to the west of the Subject Property and to the north of the western portion of the Fader Property. This wetland is located in a low spot on the landscape at the bottom of the slope which extends northward away from the terraced Fader Property. A series of test pits and auger holes were excavated near the boundary of the Fader Property adjacent to this wetland system in order to determine if there was a connection between the hydric soils on the Fader Property and the natural vegetated wetland. Hydric soils and other ground water indicators were not present within 18 inches of the surface indicating that the hydric soils around the man-made pond on the Fader Property do not connect directly to the vegetated wetland on the abutting property and that these are two discrete systems.

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### **Fader Property Site Analysis**

The hydric soils which are present around the existing man-made pond are the direct result of water leaching from the man-made pond. This water is then impounded by the terrace fill which results in a longer than usual residence time in the soils adjacent to the pond and leads to the development of hydric features within the near surface soils. Because of ongoing maintenance of this area, no wetland vegetation has been established within these hydric soils. It is also likely that if any other landscaping scenario had been utilized around the man-pond, such as landscaping which included trees, shrubs, or vegetation other than lawn, a significant portion of the excess water in the soils around the man-made pond would have been utilized by the vegetation and the development of hydric features in the surrounding soils would have been significantly less likely to occur. It is also likely that use of a more robust vegetative community around the existing man-made pond would alleviate some of the groundwater issues which are a significant concern to abutters in this portion of the neighborhood. Additionally, the relatively recent removal of trees and/or large shrubs along the property boundary has further reduced the amount of water uptake from this area increasing the amount of time water leaching from the man-made pond stays in the surrounding soils. The presence of hydric soils within the terraced fill material adjacent to the man-made pond is directly the result of terracing of the property, excavation of the man-pond, and both historic and ongoing vegetation management practices on this portion of the Fader Property. Without the man-pond, terracing, or maintenance of a lawn it is unlikely that a substantial natural wetland would exist on this portion of the Fader Property.

Typically, wetland resource areas are delineated based on the presence of both hydric soils and the presence of a dominance of facultative and obligate wetland vegetation. In the event that an established existing wetland resource area has been altered, such as when vegetation has been removed from a wetland resource area, the Department of Environmental Protection (DEP) policy is to fall back to a delineation based solely on soil conditions. Again, this methodology is used when a pre-existing wetland resource area has been recently stripped of indicator wetland vegetation. In the case of the area surrounding the man-made pond on the Fader Property, there is no reliable contemporary record that a natural wetland system existed in this area since the area was altered approximately a century ago. It would not be appropriate to determine that this portion of the Fader Property is a wetland resource area when it does not currently, nor has it historically contained any wetland vegetation. Additionally, the existence of hydric soil conditions on this portion of the Fader Property is the direct result of historic site alteration and ongoing landscape maintenance.

Alteration and maintenance of this portion of the Fader Property is so extensive that no natural wetland vegetation is evident. Mowing occurs to the edge of the existing man-made pond and removal of trees or large shrubs has occurred in the area adjacent to the hydric soils.

### **Subject Property Historical Overview**

A review of historical aerial photographs indicates that portions of the Subject Property have been in residential and agricultural use dating back to at least 1938 (see Figure 1) and that this use has varied over time. Extensive historic agricultural and residential use the Subject Property and the surrounding properties has resulted in an area which has likely been excavated and filled over time. Test pits and shallow soil borings indicate the presence of extensive fill which includes fragments of

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brick, clay tile, and other debris. As a result of these alterations which date back at least 75 years, there are no well-developed natural soil conditions on the Subject Property.

### **Project Justification**

The Applicant is proposing a pervious driveway located partially within the 50-foot BVW buffer zone. The proposed pervious driveway will be located entirely within previously altered and landscaped portions of the Subject Property. Under the Bylaw, pervious driveways are permitted up to the 25-foot BVW buffer zone. The Commission has approved numerous pervious driveways and parking areas outside of the 25-foot BVW buffer zone on a variety of other projects on Nantucket.

The Applicant feels that the man-made pond on the Fader Property meets the Bylaw definition of a Pond as it connects to perched groundwater but does not have a hydrologic connection to any adjacent water bodies. Therefore, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the appropriate 25-foot, 50-foot, and 100-foot wetland buffer zones must be measured from the edge of the man-made pond. Proposed Conditions Site Plan A (03-Feb-2016) depicts this extent of jurisdictional wetland resource areas and associated buffer zones as they relate to the Proposed Project. The proposed 774 square foot secondary dwelling on the Subject Property is located outside of the 50-foot wetland buffer zone as calculated from the edge of the man-made pond on the Fader Property. It is standard practice for the Commission to allow applicants to construct structures outside of the 50-foot buffer zone to a wetland resource area.

In the event that the Commission decides that the heavily altered area of hydric soils (hereafter referred to as the Hydric Soil Zone) around the man-made pond on the Fader Property somehow qualify as a jurisdictional wetland resource area under the Bylaw. Proposed Conditions Site Plan B (03-Feb-2016) depicts the extent of wetland resource areas and associated buffer zones in the event that the Commission determines that the Hydric Soil Zone is a jurisdictional resource area under the Bylaw. It is important to keep in mind that all of this Hydric Soil Zone is currently mowed and maintained as lawn area. Additionally, the 25-foot buffer zone to this Hydric Soil Zone is also currently mowed and maintained as lawn area and that all of the area between the 25-foot and 50-foot buffer zones to this Hydric Soil Zone which is located on the Fader Property is also maintained as lawn area. Finally, there is evidence to suggest that several large trees have been recently removed from a portion of the Fader Property which is located within the 25-foot and 50-foot buffer zone to this Hydric Soil Zone.

The man-made pond is a jurisdictional wetland resource area under the Bylaw. Currently all of the 25-foot and 50-foot buffer zone to this jurisdictional wetland are altered and maintained as a lawn area. Additionally, if the Hydric Soil Zone surrounding the man-made pond is determined to be a jurisdictional wetland resource area, the entire resource area as well as the associated 25-foot and 50-foot buffer zones are currently maintained as a lawn and do not include any native wetland vegetation. Current use and maintenance of the Fader Property has resulted in significant impacts to the 25-foot and 50-foot buffer zones to the jurisdictional man-made pond. This ongoing use and maintenance has also resulted in significant impacts to the Zone of Hydric Soils and the associated 25-foot and 50-foot buffer zones if this portion of the Fader Property is determined to be a jurisdictional resource area.

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If the Commission determines that the extent of the wetland resource area on the Fader Property includes the Hydric Soil Zone and determines that 25-foot and 50-foot buffer zones must be cast from the limit of the Hydric Soil Zone, the Applicant feels that the proposed 774 square foot secondary dwelling on the Subject Property meets the requirements for a waiver for a structure within the 50-foot wetland buffer zone. Approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer to the Hydric Soil Zone. The proposed off-locus secondary dwelling will be located on a portion of the Subject Property which is located several feet downgradient of the haltered Hydric Soil Zone on the Fader Property. Any groundwater flow would occur from the Fader Property towards the proposed secondary dwelling. The proposed secondary dwelling would be outside of the 50-foot buffer zone to the man-made pond and would have no adverse impacts on the Hydric Soil Zone or the associated 25-foot and 50-foot buffer zones on the Fader Property as it would be downstream from these features. Additionally, the proposed secondary dwelling will be located on a previously altered and landscaped portion of an abutting property and would not result in the loss of any native buffer zone vegetation. Currently, the Fader Property is mowed and maintained up to the edge of the man-made pond. The entire Hydric Soil Zone and associated 25-foot and 50-foot buffer zones are currently mowed. It is not known if any portions of this maintained lawn area are fertilized or otherwise treated. The Applicant is also proposing approximately 800 square feet of native buffer zone plantings along the western edge of the Subject Property. The proposed plantings will provide a significant net benefit to the resource areas and associated buffer zones. The Applicant feels that the impacts to the man-made pond, Hydric Soil Zone, and the 25-foot and 50-foot buffer zones to these resource areas resulting from ongoing use and maintenance of this portion of the Fader Property are significantly greater than any potential impacts resulting from the construction of a frost wall foundation for the proposed off-locus secondary dwelling located on a previously altered and downgradient portion of an abutting property and that the proposed native plantings will result in an overall net benefit to the resource area and associated buffer zones.

### **Alternatives Analysis**

#### ***Proposed Pool***

The proposed pool has been located outside of the 50-foot buffer zone to the BVW resource area on the adjacent property to the east and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. Additionally, if the Commission determines that the Hydric Soil zone on the Fader Property is a jurisdictional wetland resource area, the proposed pool is located entirely outside of the 50-foot buffer zone to this potential resource area. The proposed pool is located on the portion of the Subject Property which has groundwater at the lowest elevation. There is no alternative location for the proposed pool which would place it farther from the wetland resource areas or would allow for an increased separation to high groundwater.

#### ***Proposed Secondary Dwelling***

The proposed secondary dwelling has been located on the portion of the Subject Property which is outside of the 50-foot buffer zone to the natural well established BVW on the abutting property to the west and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. If the Commission determines that the Hydric Soil Zone on the Fader property is a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this heavily altered and maintained resource area. There is no alternative location for the

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proposed secondary dwelling on the Subject Property. Relocating the proposed secondary dwelling anywhere else on the Subject Property would place it within the 50-foot buffer zone to the well-established natural BVW on the abutting property to the west. The proposed location is the best available location for the proposed secondary dwelling.

## **Project Waivers**

### ***Required Ground Water Separation Waiver***

The Applicant feels that the wetland resource delineation on the abutting property to the west is accurate and that all structural components of the Proposed Project will be located outside of the 50-foot BVW buffer zone. Additionally, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the Proposed Project will be located entirely outside of the 50-foot buffer zone to this resource area.

It is our understanding that the intent of the two-foot groundwater separation requirement in Section 3.02B(1) of the Bylaw Regulations is to reduce impacts to adjacent wetland resource areas which may result from the construction of foundations or other buried structures which may be sufficiently large so as to act as a dam preventing subsurface groundwater flow from moving naturally towards a downgradient wetland system. Such structures, if sufficiently large, could potentially result in the disruption of groundwater flow to the wetland resource area thereby significantly reducing the amount of water entering the wetland and adversely impacting the ability of the system to support wetland flora and fauna. It is important to note that such an adverse impact would only occur if the buried structure was blocking groundwater flow and was large enough to have a regional impact on the adjacent wetland system.

The proposed secondary dwelling foundation and proposed pool may require a waiver under the Bylaw because high groundwater will be located within 2 feet of the base of the footings for the proposed foundation and base of pool. In a letter to the Commission dated January 5, 2016 detailed information showing groundwater elevations from a deep hole test pit excavated in the proposed foundation location and adjacent to the proposed pool location was submitted to the Commission. In the proposed foundation location weeping was observed at a depth of approximately 36 inches and mottling was observed at a depth of approximately 32 inches placing high ground water at approximately elevation 20. The proposed base of footing for the secondary dwelling foundation will be constructed at elevation 20. The proposed base of footing will be at the top of high groundwater. Adjacent to the proposed pool location weeping was observed at a depth of approximately 26-32 inches, standing water was observed at a depth of approximately 75 inches and, and mottling was observed at a depth of approximately 70 inches placing high ground water at approximately elevation 15. The proposed pool will be located at a surface elevation of approximately 22. The proposed pool will have of a depth of 6 feet placing the bottom of the pool at approximately elevation 16. The bottom of the proposed pool excavation will be at an elevation of approximately 15 which is at or slightly above high groundwater. Neither the proposed foundation footings or the proposed pool will be in high groundwater. Both proposed structures will be at or slightly above high groundwater and will not result in any damming of groundwater flow and therefor will not result in any adverse impacts to the BVW on the adjacent property to the west. A detailed waiver request for this required waiver is provided in the Waiver Request section below.

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In the event that the Commission determines that the Hydric Soil Zone surrounding the man-made pond on the Fader Property is in fact a jurisdictional resource area, the proposed pool will be located outside of the 100-foot buffer zone to this resource area. Additionally, the proposed secondary dwelling foundation footings will be downgradient of the resource area and will not have any adverse impact on groundwater flow into this resource area.

### ***Optional 50-Foot Structural Setback Waiver***

It is our understanding that the intent of the 50-foot structural setback to a wetland resource requirement in section 3.02B(1) of the Bylaw Regulations is to reduce impacts to unaltered jurisdictional wetland resource areas which may result from the construction of a structure within 50 feet of a downgradient wetland. These adverse impacts may include disruption of groundwater or surface flow to the resource area, alteration of natural infiltration adjacent to the resource area, leaching of contaminants or other contaminated runoff associated with the structure entering the resource area, impacts to native buffer zone vegetation adjacent to the resource area, or impacts to wildlife which may be using the resource area.

In addition to the required waiver for separation to high groundwater discussed above, the Proposed Project may require a second waiver in the event that the Commission determines that the Hydric Soil Zone on the Fader Property is in fact a jurisdictional wetland resource area. If the Commission makes such a determination, approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. The Applicant feels that the proposed secondary dwelling will not have an adverse impact on this resource area as it will be located off-locus and downgradient of the resource area and will be on a previously altered and landscaped portion of the Subject Property. The Applicant also feels that the proposed planting of 800 square feet of native buffer zone vegetation will result in an overall net benefit to the resource area and associated buffer zones. Additionally, the Applicant feels that the ongoing maintenance and mowing of this resource area, the 25-foot buffer zone to this resource area and fifty percent (50%) of the area between the 25-foot and 50-foot buffers to this resource area constitute a significant and ongoing impact to the resource area and associated buffer zones. The proposed off-locus downgradient structure will not result in any additional impacts to this heavily altered and maintained resource area. A detailed waiver request for this optional secondary waiver is provided in the Waiver Request section below.

### **Summary**

The Applicant feels that the wetland resource area on the Fader Property is defined by the limit of the existing man-made pond and that this casts a 50-foot wetland buffer zone which falls short of the proposed secondary dwelling on the Subject Property. The Applicant also feels that the Hydric Soil Zone present on portions of the Fader Property adjacent to the man-made pond are the direct result of historic and ongoing site alterations and landscape maintenance activities and that this area does not qualify as a jurisdictional wetland resource area. Further, the Applicant feels that the man-made pond and Hydric Soil Zone do not connect to any water body or the nearby natural wetland resource area to the northwest of the Fader Property. In the event that the Commission feels that the Hydric Soil Zone somehow qualifies as a jurisdictional wetland resource area, The Applicant feels that the proposed secondary dwelling qualifies for a 50-foot no structure setback waiver under the Bylaw as it will have no additional adverse impact on the man-made pond and heavily altered and maintained

Hydric Soil Zone especially when compared to existing use and ongoing maintenance of this portion of the Fader Property. The Applicant also feels that the proposed native buffer zone plantings will result in a significant net benefit to the resource areas and associated buffer zones.

## **WAIVER REQUEST**

### ***Secondary Dwelling – Required Groundwater Separation Waiver***

The Applicant is proposing to construct a secondary dwelling and pool on the Subject Property. The Applicant feels that the limit of the wetland resource area on the abutting Fader Property is coincident with the edge of the existing man-made pond. Based on that, the proposed secondary dwelling and pool will be located entirely outside of the 50-foot wetland buffer zone to both the man-made pond on the Fader Property wetland and the BVW located to the west of the Subject Property. The base of the footings for the proposed secondary dwelling foundation and the base of the excavation for the proposed pool will be located at approximately the top, or slightly above, the high ground water elevation as detailed above. The proposed foundation footings and pool will not meet the two-foot high groundwater separation requirement. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

#### ***3.02B(1)***

*“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”*

The proposed foundation and pool will not adversely impact the BVW or associated buffer zones. The proposed foundation and pool will be outside of the 50-foot BVW buffer zone and 50-foot buffer zone to the man-made pond and will be consistent with foundations and other structures approved for numerous projects located outside of the 50-foot wetland buffer zone. The proposed foundation will be located down gradient from the wetland located on the Fader Property and will not have any adverse impact on groundwater flowing towards this wetland as all groundwater flow towards this wetland occurs from upgradient portions of the Fader Property. Because the proposed foundation footings and pool will be located at the top of the high groundwater elevation they will not impede or alter the flow of groundwater towards the wetland located to the west of the Subject Property and will not result in any adverse impacts to this resource area. These structures are consistent with other structures which have been permitted by the Commission within two feet of high groundwater on numerous other properties on Nantucket. Therefore, the Applicant is requesting a waiver for the crawl space foundation two-foot separation to high groundwater under section 1.03F(3)(A) of the Bylaw which state the following:

#### ***Section 1.03F(3)(A):***

*“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow*

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*that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.*

*It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection."*

The proposed secondary dwelling will not include a basement and the base of the proposed footings will be located at the top of high groundwater. The base of the excavation for the proposed pool will be located at or slightly above high groundwater. The proposed foundation and pool are consistent with numerous other projects within 2 feet of high groundwater which have been approved by the Commission for areas outside of the 50-foot BVW buffer zone. The proposed foundation and pool have been designed to minimize or eliminate any adverse impacts to the BVW and associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the foundation and pool within two feet of high groundwater will not result in any adverse impacts to the BVW or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

### ***Secondary Dwelling – Optional 50-Foot Structural Setback Waiver***

The Applicant is proposing to construct a secondary dwelling on the Subject Property. In the event that the Commission determines that the Hydric Soil Zone adjacent to the man-made pond on the Fader Property somehow constitutes a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

#### ***3.02B(1)***

*"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."*

Although the proposed secondary dwelling will be located partially within the 50-foot buffer zone to the Hydric Soil Zone on the Fader Property it will be located significantly downgradient from this resource area and will not alter or impact groundwater flow into or towards this resource area as all

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groundwater flow to this area originates from upgradient portions of the Fader Property. If the Hydric Soil Zone of Fader Property is in fact a jurisdictional wetland resource area, the entire resource area is currently mowed, altered, and maintained. Additionally, the entire 25-foot buffer zone to this resource area is mowed, altered, and maintained as well as 50% percent of the area between the 25-foot and 50-foot buffer zones to this resource area. The Applicant feels that the existing alteration, maintenance, and use of this resource area and associated buffer zones is a significantly impact to this resource area. The proposed off-locus downgradient structure located on a previously altered and landscaped portion of the Subject Property will not have any impacts the already heavily altered and maintained Hydric Soil Zone and associated buffer zones, especially when compared to the existing impacts resulting from ongoing use and maintenance of this area. Therefore, the Applicant is requesting a waiver for the proposed shed which will be located within the 50-foot buffer zone to a wetland resource area under section 1.03F(3)(A) of the Bylaw which states the following:

*Section 1.03F(3)(A):*

*"The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.*

*It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection."*

The proposed secondary dwelling will be located within a previously altered and landscaped portion of the Subject Property and will be located off-locus and downgradient from a completely altered, maintained, and mowed resource area on the Fader Property. The proposed secondary dwelling will not result in any adverse impacts to this wetland resource area or associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the secondary dwelling partially within the 50-foot buffer zone to an off-locus resource area will not result in any adverse impacts to this significantly altered and maintained resource area or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

---

***SITE DESIGN ENGINEERING, LLC.***

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

SDE No. 12035  
1 Brock's Court  
SE48-2834 Supplemental Information  
February 4, 2016

Page 12 of 19

If you have any questions, please feel free to contact me via email at [mrirts@sitedesigneng.com](mailto:mrirts@sitedesigneng.com) or at 508-802-5832.

Respectfully,  
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Rits  
Project Manager/Permitting Specialist

---

***SITE DESIGN ENGINEERING, LLC.***

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



**Photo 1: View Southwestward Showing Terracing on Southern Portion of Fader Property.**



**Photo 2: View Southward Showing Terracing on Fader Property.**

---

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11 Cushman Street, Middleboro, MA 02346  
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**Photo 3: View Southeastward Showing Terracing on Fader Property.**



**Photo 4: View Eastward Showing Terracing on Fader Property.**

---

***SITE DESIGN ENGINEERING, LLC.***

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



**Photo 5: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.**



**Photo 6: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.**

---

***SITE DESIGN ENGINEERING, LLC.***

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



**Photo 7: View Northward Showing Partially Lined Man-Made Pond on Fader Property with Subject Property in Background.**



**Photo 8: View Westward Showing Partially Lined Man-Made Pond on Fader Property.**

---

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**Photo 9: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.**



**Photo 10: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.**

---

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



**Photo 11: View Westward Showing Extensive Lawn on Western Portion of Fader Property.**



**Photo 12: View Northwestward Showing Extensive Lawn on Western Portion of the Fader Property.**

---

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



**Photo 13: View Eastward Showing Large Stump on Fader Property.**

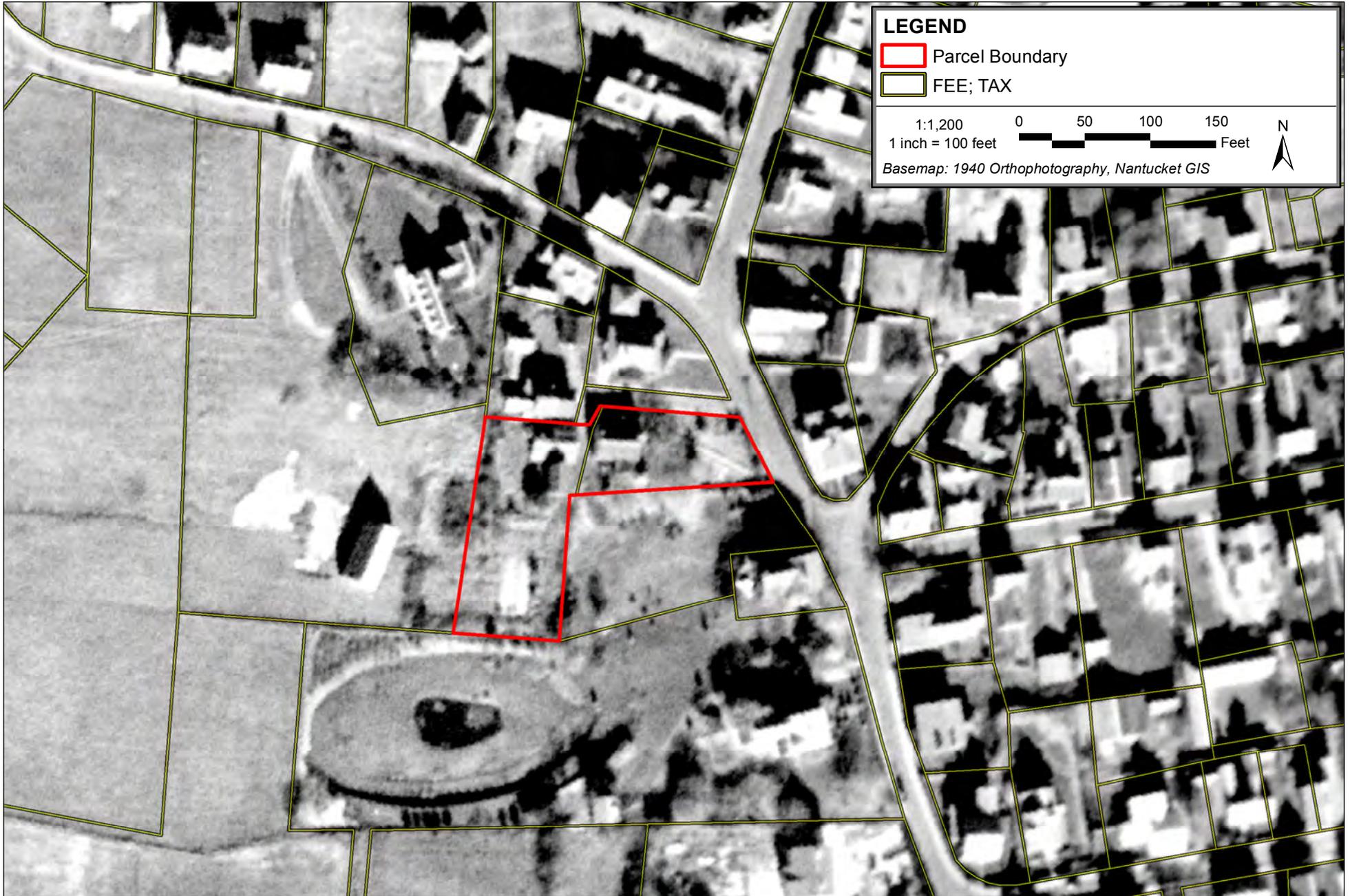


**Photo 14: View Northward Showing Large Stumps on Fader Property with Subject Property in the Background.**

---

***SITE DESIGN ENGINEERING, LLC.***

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



1 Brock's Court - Nantucket, Massachusetts  
Map 42.3.4 Lot 84  
SDE Project No. 12035

Figure 1 - Detailed Site Overview - 1940  
February 3, 2016





1 Brock's Court - Nantucket, Massachusetts  
Map 42.3.4 Lot 84  
SDE Project No. 12035

Figure 2 - Detailed Site Overview - 2014  
February 3, 2016





**LEGEND**

- PROPERTY LINE
- SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- ▲ WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW
- TP-#
- OR
- A-#/B-#/C-#/LS-#

DEPTH TO GROUNDWATER

TEST PIT

DEPTH TO GROUNDWATER

SOIL BORING

**ZONING CLASSIFICATION: R-1**

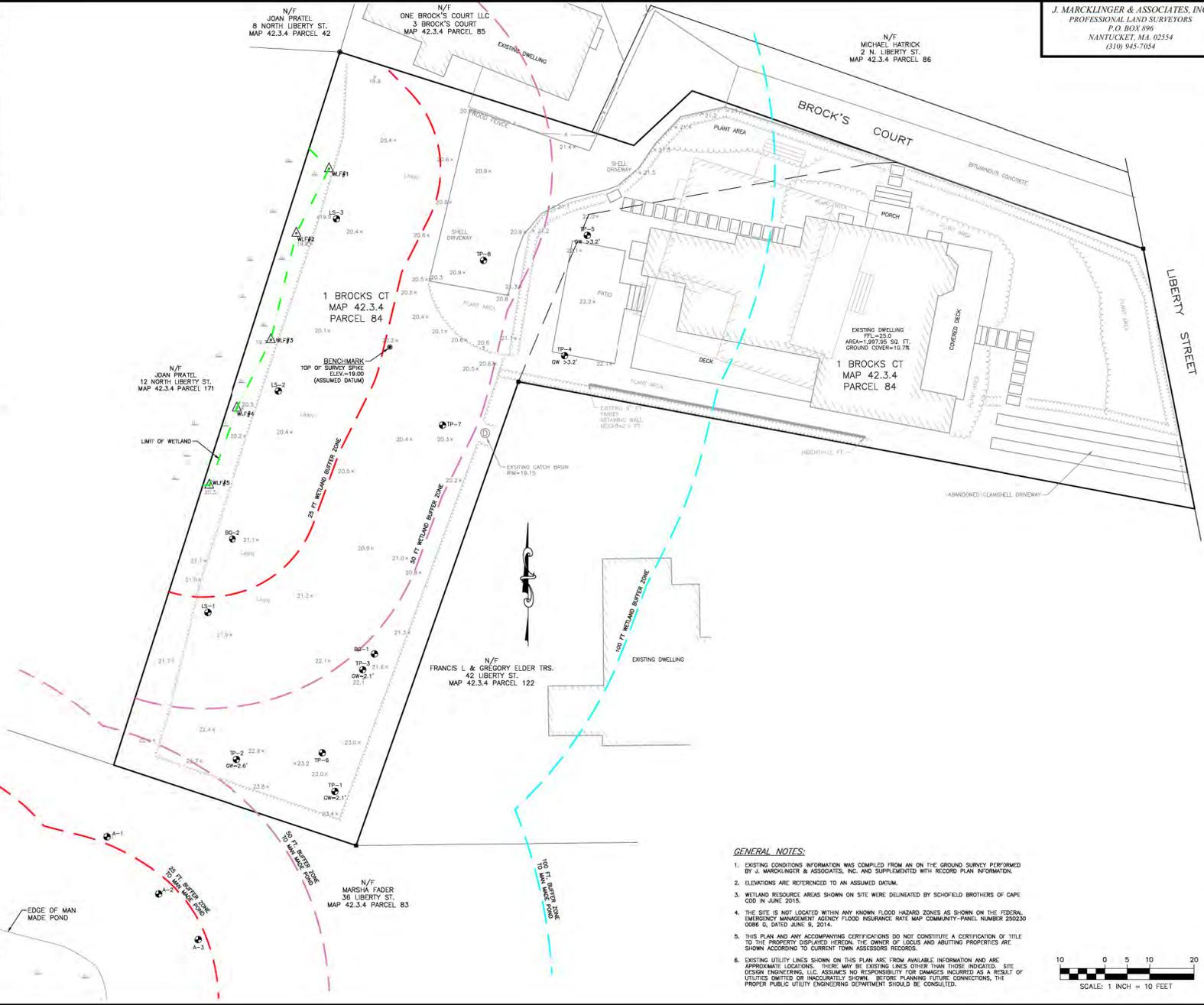
MINIMUM LOT SIZE 5,000 SQ. FT.  
 MINIMUM FRONTAGE 20 FT.  
 FRONT YARD SETBACK 10 FT.  
 REAR YARD SETBACK 5 FT.  
 SIDE YARD SETBACK 5 FT.  
 GROUND COVER RATE 30%\*

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1339 PAGE 294) GRANTING RELIEF OF SIDE LINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

**OVERLAY DISTRICT APPLICABILITY**

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOOD OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SUBCORNSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WETLAND PROTECTION	-
MA SCP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



J. MARCKLINGER & ASSOCIATES, INC.  
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 (310) 945-7054

**SITE DESIGN ENGINEERING, L.L.C.**

11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0673 F: 508-967-0674  
 WWW.SITEDESIGNENG.COM

**PLAN REVISIONS**

NO.	DATE	DESCRIPTION	DCM	APPROVED
1		ADDED POND AND BORING LOCATIONS		

DATE: OCTOBER 29, 2015  
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JLM  
 PROJECT NO: 12035  
 ISSUED FOR:



**EXISTING CONDITIONS PLAN**

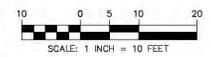
1 BROCK'S COURT  
 ASSESSOR'S PARCEL 84  
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:  
**EXISTING CONDITIONS PLAN 'A'**

SCALE: **1"=10'**  
 SHEET NO:  
**1 of 1**

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
  - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
  - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
  - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250220 CORRECTION DATED APRIL 9, 2014.
  - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DESCRIBED HEREIN. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
  - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, L.L.C. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES DAMAGED OR INACCURATELY SHOWN BEFORE PLANNED FUTURE CONNECTIONS. THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.





**LEGEND**

- PROPERTY LINE
- 20.3+ SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW DEPTH TO GROUNDWATER
- TP-# TEST PIT
- A-#/B-#/LS-# DEPTH TO GROUNDWATER SOIL BORING

**ZONING CLASSIFICATION: R-1**

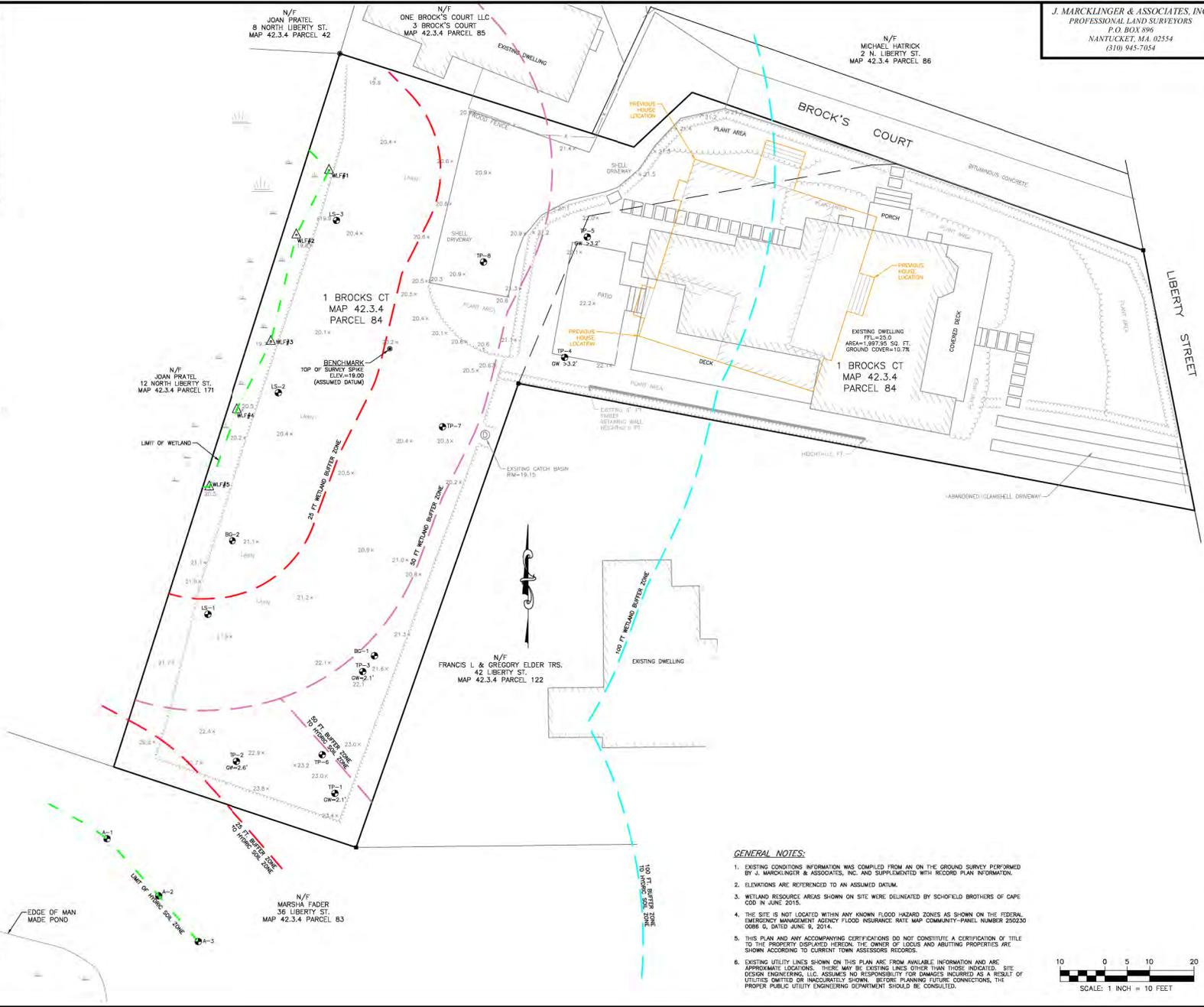
- MINIMUM LOT SIZE 5,000 SQ. FT.
- MINIMUM FRONTAGE 20 FT.
- FRONT YARD SETBACK 10 FT.
- REAR YARD SETBACK 5 FT.
- SIDE YARD SETBACK 5 FT.
- GROUND COVER RATE 30%

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1336 PAGE 294) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

**OVERLAY DISTRICT APPLICABILITY**

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOOD OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIXCONNET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERDRAFT	-
WETLAND PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



J. MARCKLINGER & ASSOCIATES, INC.  
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**SITE DESIGN ENGINEERING, L.L.C.**  
 11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0673 F: 508-967-0674  
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION
1	2015	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JJM

PROJECT NO: 12035

ISSUED FOR: APPROVAL



**EXISTING CONDITIONS PLAN**  
 1 BROCK'S COURT  
 ASSESSOR'S MAP 42.3.4 PARCEL 84  
 NANTUCKET, MASSACHUSETTS  
 PREPARED FOR EDWIN SWIDER REALTY TRUST

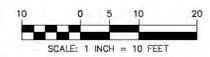
DRAWING TITLE: EXISTING CONDITIONS PLAN 'B'

SCALE: 1"=10'

SHEET NO: 1 OF 1

**GENERAL NOTES:**

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- ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
- WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
- THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250220 0085 D, DATED APRIL 9, 2014.
- THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DESCRIBED HEREIN. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
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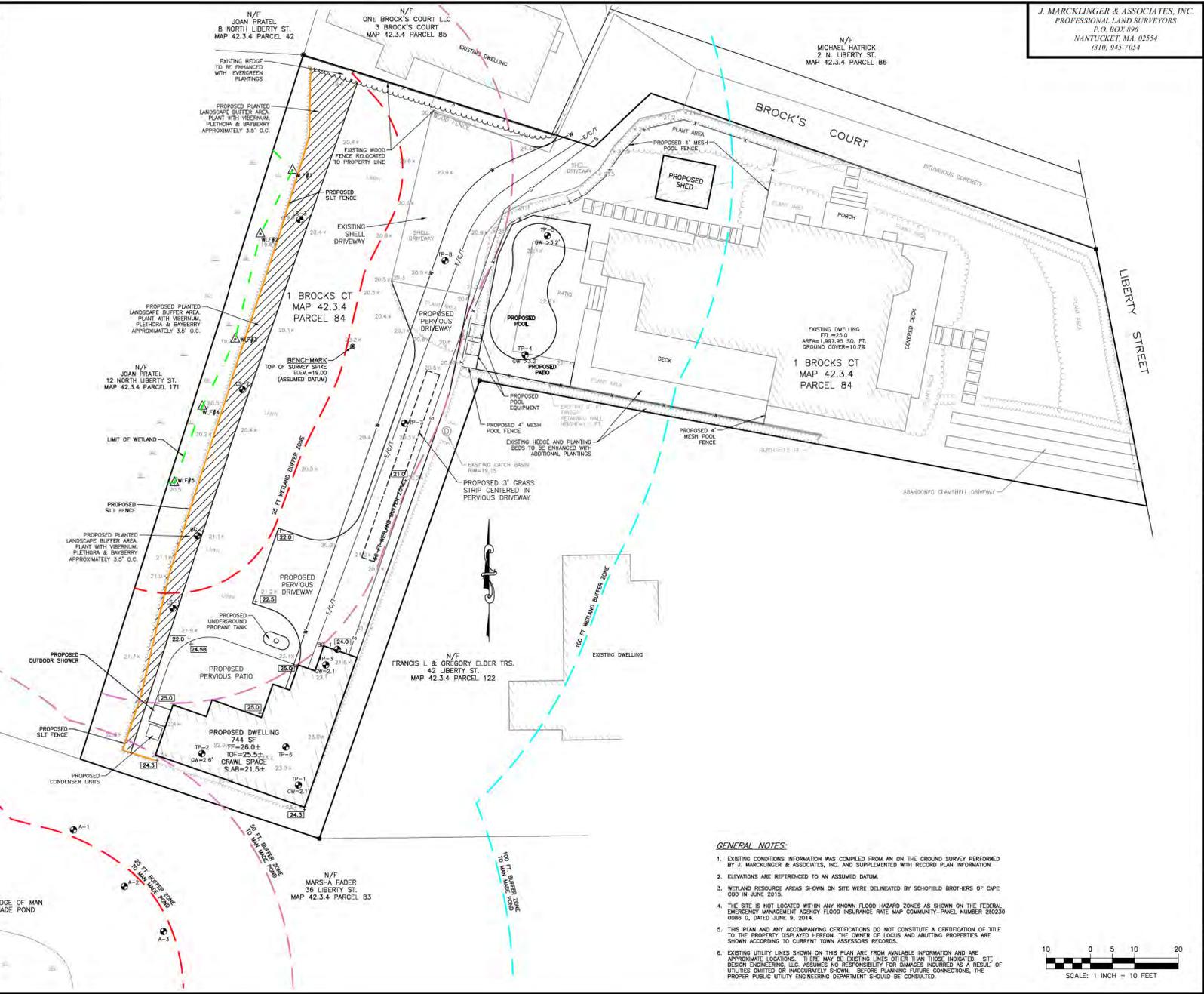
**ZONING CLASSIFICATION: R-1**

MINIMUM LOT SIZE: 5,000 SQ. FT.  
 MINIMUM FRONTAGE: 50 FT.  
 FRONT YARD SETBACK: 10 FT.  
 REAR YARD SETBACK: 5 FT.  
 SIDE YARD SETBACK: 5 FT.  
 GROUND COVER RATIO: 30%

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SETBACK SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.65 FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	--
EMPLOYEE HOUSING	--
FLOOD HAZARD	--
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	--
MID-ISLAND PLANNED	--
MILL'S FAMILY	--
SASCONSET SEWER	--
TOWN	YES
TOWN SEWER	YES
WATERSHAFT	--
WELLHEAD PROTECTION	--
MA DEP ZONE II	--
FORMULA BUSINESS EXCLUSION DISTRICT	--



J. MARCKLINGER & ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
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 (510) 945-7054

11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0673 F: 508-967-0674  
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION
1	11/20/15	ADDED BORING LOCATIONS, REMOVE SHED
2	2/20/16	ADDED POND AND BORING LOCATIONS
3	2/20/16	ADDED BORING LOCATIONS, REMOVE SHED

DATE: OCTOBER 29, 2015  
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM  
 PROJECT NO: 12035  
 ISSUED FOR: APPROVAL

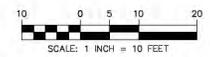


**PROPOSED SITE PLAN**  
 1 BROCK'S COURT  
 PARCEL 84  
 NANTUCKET, MASSACHUSETTS  
 PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:  
**PROPOSED SITE PLAN 'A'**

SCALE: **1"=10'**  
 SHEET NO:  
**1 of 1**

- GENERAL NOTES:**
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  - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSOR RECORDS.
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**LEGEND**

—	PROPERTY LINE
20.5±	SPOT ELEVATION
—	FENCE
—	HEDGE LINE
—	LANDSCAPING
—	LIMIT OF WETLAND
—	WETLAND FLAG
—	25 FT. BUFFER ZONE
—	50 FT. BUFFER ZONE
—	100 FT. BUFFER ZONE
TP-#	TEST PIT
OW	DEPTH TO GROUNDWATER
—#/05-#/15-#	SOIL BORING

**ZONING CLASSIFICATION: R-1**

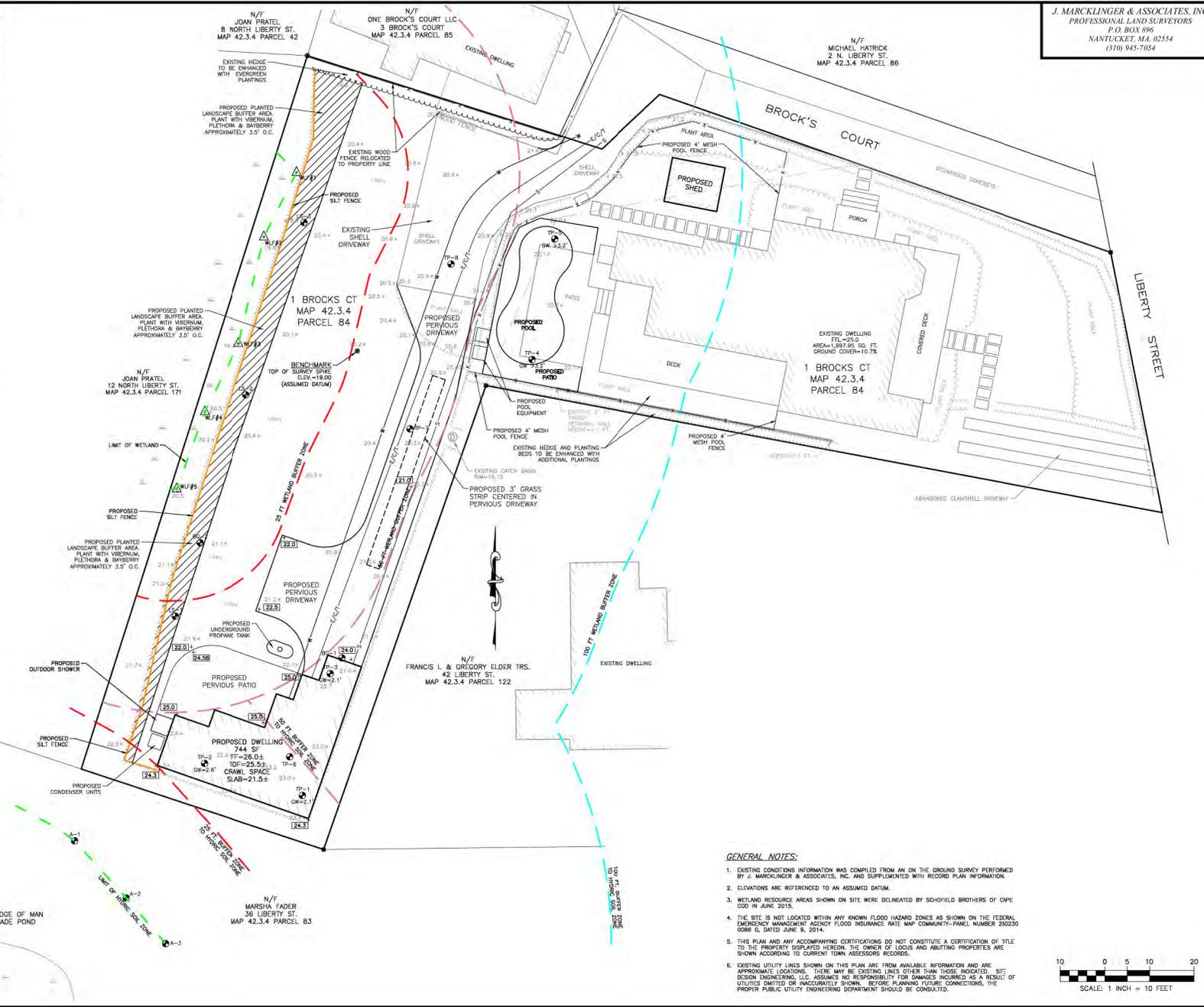
MINIMUM LOT SIZE: 5,000 SQ. FT.  
 MINIMUM FRONTAGE: 50 FT.  
 FRONT YARD SETBACK: 10 FT.  
 REAR YARD SETBACK: 5 FT.  
 SIDE YARD SETBACK: 5 FT.  
 GROUND COVER RATIO: 30%±

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SETBACK SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.65 FEET.

**OVERLAY DISTRICT APPLICABILITY**

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
IDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MILL'S FAMILY	—
SASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERSHAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



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**SITE DESIGN ENGINEERING, LLC.**

11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0673 F: 508-967-0674  
 WWW.SITEDESIGNING.COM

PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	12/20/15	ADDED BORING LOCATIONS, REMOVE SHED
2	2/20/16	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015  
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM  
 PROJECT NO: 12035  
 ISSUED FOR: APPROVAL



**PROPOSED SITE PLAN**

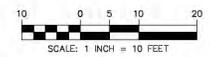
1 BROCK'S COURT  
 PARCELS 84  
 NANTUCKET, MASSACHUSETTS

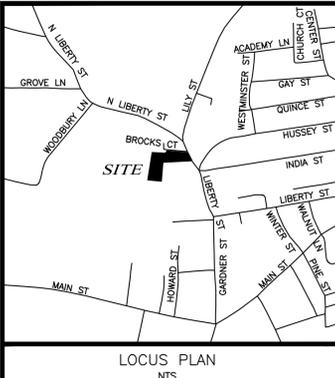
PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:  
**PROPOSED SITE PLAN 'B'**

SCALE: **1"=10'**  
 SHEET NO:  
**1 of 1**

- GENERAL NOTES:**
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 11 CUSHMAN STREET  
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 WWW.SITEDESIGNENG.COM

**LEGEND**

	PROPERTY LINE
	SPOT ELEVATION
	FENCE
	HEDGE LINE
	LANDSCAPING
	LIMIT OF WETLAND
	WETLAND FLAG
	25 FT. BUFFER ZONE
	50 FT. BUFFER ZONE
	100 FT. BUFFER ZONE
	DEPTH TO GROUNDWATER
	TEST PIT
	DEPTH TO GROUNDWATER
	SOIL BORING

ZONING CLASSIFICATION: R-1

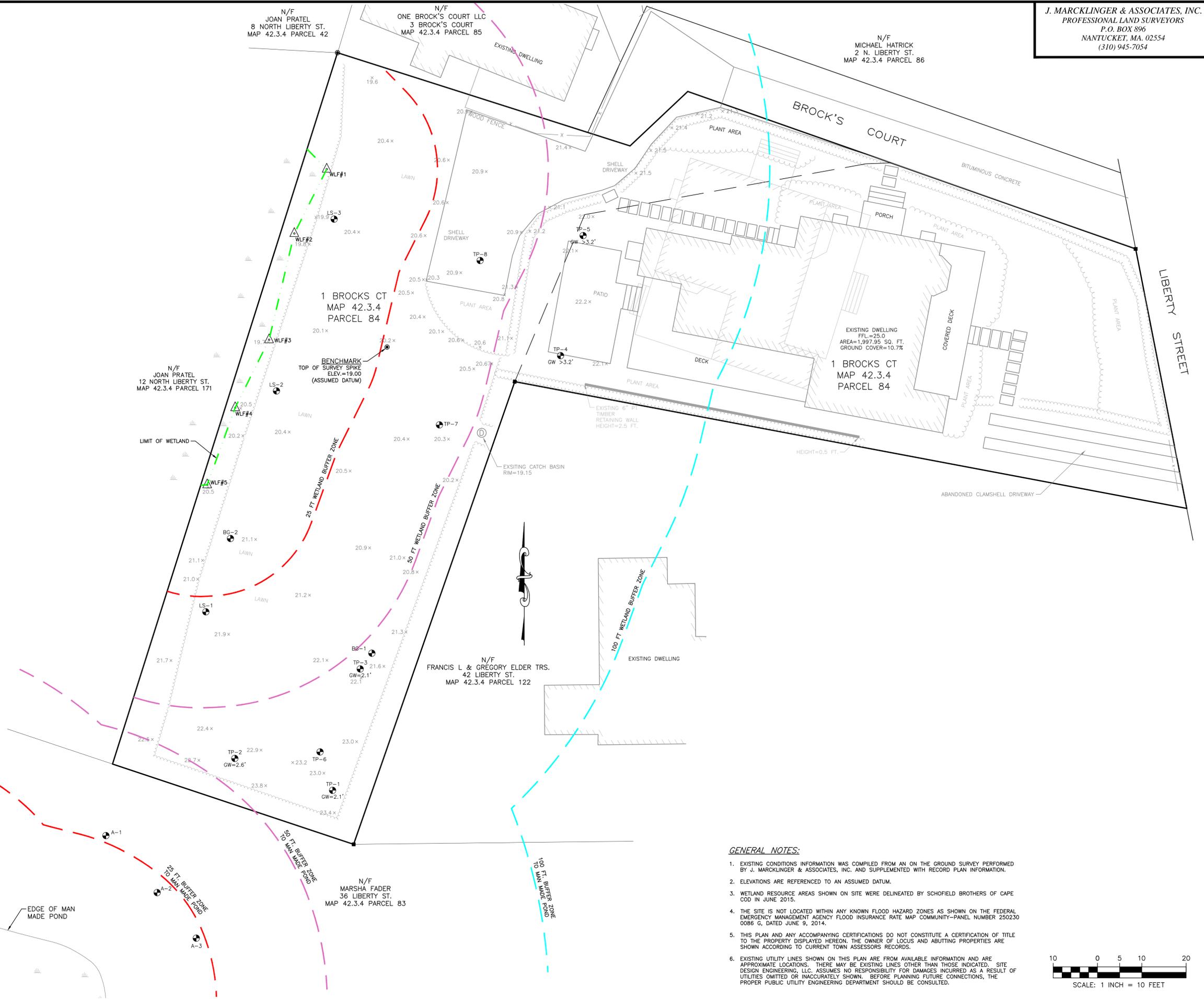
MINIMUM LOT SIZE 5,000 SQ. FT.  
 MINIMUM FRONTAGE 50 FT.  
 FRONT YARD SETBACK 10 FT.  
 REAR YARD SETBACK 5 FT.  
 SIDE YARD SETBACK 5 FT.\*  
 GROUND COVER RATIO 30%±

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

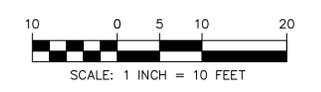
PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 246) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

**OVERLAY DISTRICT APPLICABILITY**

DORMITORY	-
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



- GENERAL NOTES:**
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  - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
  - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
  - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE 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.



PLAN REVISIONS

NO.	DATE	DESCRIPTION	DCM	APPROVED
1	2/3/16	ADDED POND AND BORING LOCATIONS		

DATE: OCTOBER 29, 2015  
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM  
 PROJECT NO. 12035



**EXISTING CONDITIONS PLAN**

1 BROCK'S COURT  
 ASSESSOR'S MAP 42.3.4, PARCEL 84  
 NANTUCKET, MASSACHUSETTS

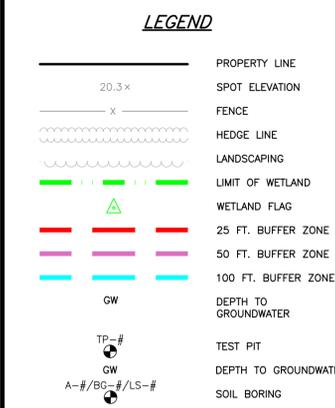
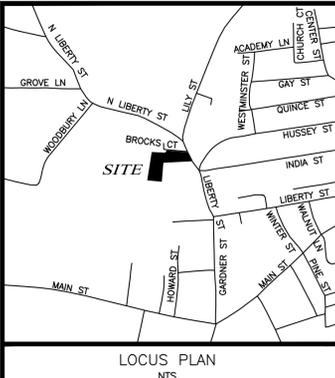
PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:  
**EXISTING CONDITIONS PLAN 'A'**

SCALE: **1"=10'**

SHEET NO.  
**1 OF 1**





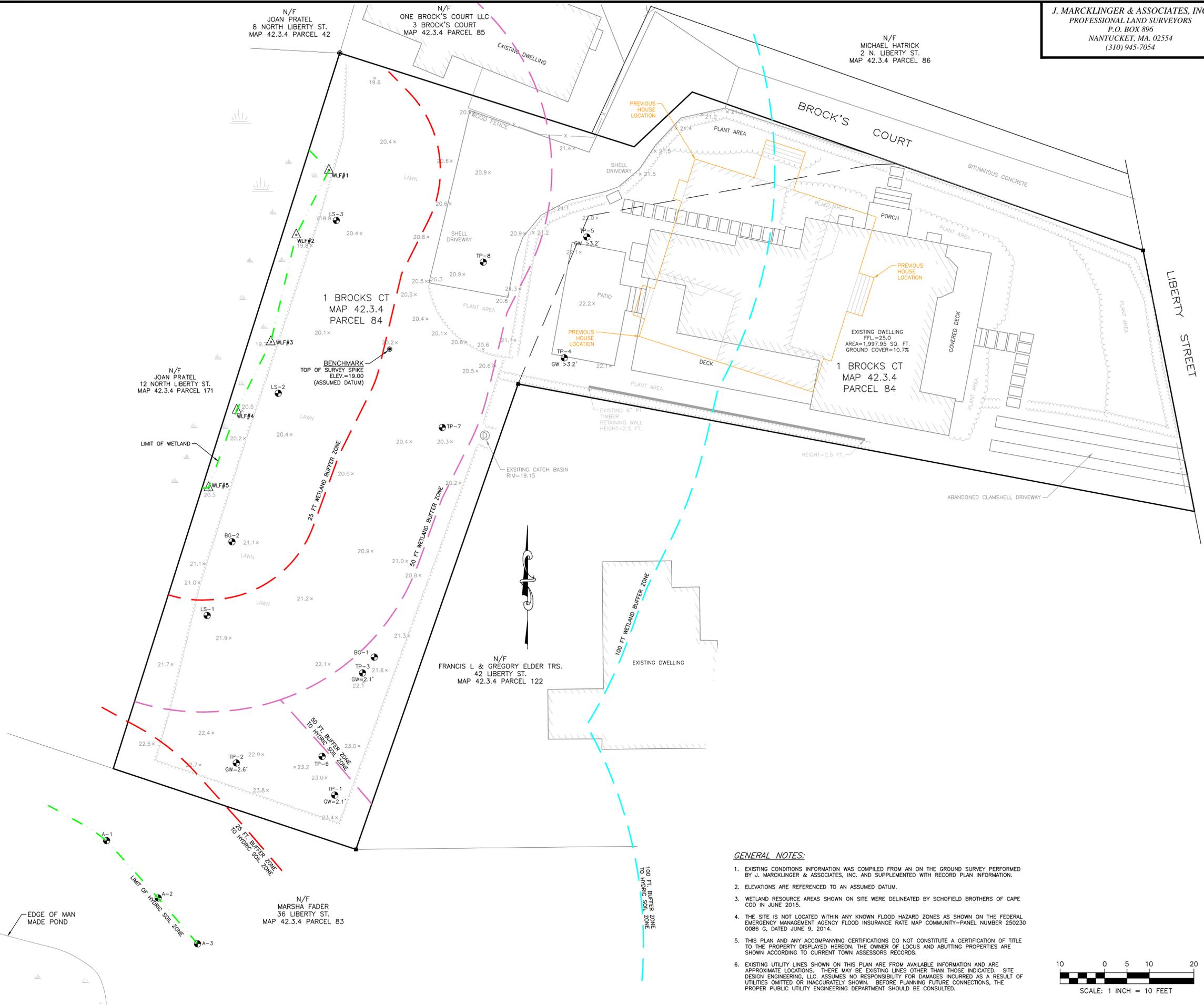
ZONING CLASSIFICATION: R-1

MINIMUM LOT SIZE 5,000 SQ. FT.  
 MINIMUM FRONTAGE 50 FT.  
 FRONT YARD SETBACK 10 FT.  
 REAR YARD SETBACK 5 FT.  
 SIDE YARD SETBACK 5 FT.\*  
 GROUND COVER RATIO 30%±

\* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 246) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	-
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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

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

NO.	DATE	DESCRIPTION	APPROVED
1	2/3/16	ADDED POND AND BORING LOCATIONS	DCM

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL



**EXISTING CONDITIONS PLAN**

1 BROCK'S COURT  
 ASSESSOR'S MAP 42.3.4, PARCEL 84  
 NANTUCKET, MASSACHUSETTS

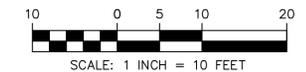
PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE: EXISTING CONDITIONS PLAN 'B'

SCALE: 1"=10'

SHEET NO. 1 OF 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
  - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
  - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
  - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
  - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
  - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE 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.





Rec. @ 2/10/16  
Hearing by  
Davis, Malm & D'Agostine

DAVIS MALM &  
D'AGOSTINE P.C.  
ATTORNEYS AT LAW

Paul L. Feldman

February 10, 2016

Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

Re: One Brock's Court Notices of Intent (SE48-2834 & SE48-2835)

Dear Members of the Conservation Commission:

This office represents Marsha Fader, who is an abutter to the proposed project at One Brock's Court. We submit this letter to provide additional information regarding and the wetland resources on both Ms. Fader's and the Applicant's properties and the further bases to deny the requested Order of Conditions for construction of a second home (NOI SE48-2835) on the Applicant's property.

Failure to Properly Delineate Wetland Resources

After the January 13, 2016 hearing, additional soil borings and soil pits were performed on the Applicant's property and Ms. Fader's property. Those results document the existence of hydric soils on both properties and confirm the delineation of wetlands depicted on the proposed Site Plan dated October 29, 2015 is incorrect. Moreover, after review of the supplemental information submitted by the Applicant's engineer on February 4, 2016 it is apparent the Applicant continues to ignore these results when depicting the resource areas on the Applicant's property. The existing conditions plans and proposed site plans submitted by Site Design Engineering, LLC in its latest filing continue to incorrectly depict wetland resources. This failure is significant because the second house is not to be built in buffer at all, but in the resource area itself.

As noted in a previous letter from our colleague to the Commission dated January 13, 2016, the DEP Delineating Bordering Wetlands Manual acknowledges that determining the boundaries of BVW in areas that have been altered may be challenging, but the BVW can still be located and protected. In fact, the manual indicates that a review of the soils will be important to determine if wetlands hydrology still exists in those areas and to delineate the wetlands. And, more importantly, the DEP Regulations define the boundary line for BVW in an area that has been disturbed ("e.g. by cutting, filling, or cultivation") as "the line within which there are indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, or credible evidence from

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email pfeldman@davismalm.com

a competent source that the area supported or would support under undisturbed conditions a predominance of wetland indicator plants prior to the disturbance.” 310 CMR 10.55(2)(c)3. Nantucket’s Regulations do not define BVW, but state that if a term is not defined, it shall have the definition contained in the WPA and regulations promulgated thereunder. *See* Section 1.02. Therefore, the definition in 310 CMR 10.55(2)(c)3 applies to the wetland resources on Ms. Fader’s and the Applicant’s properties.

The results of soil samples taken on both properties on January 21, 2016 were submitted to the Commission by letter dated February 4, 2016 from Bruce Griffin of New England Environmental, Inc. (“NEEI”). Those results and the results of the previous assessment by all parties on January 7 demonstrate that there are saturated conditions on both properties for an extended period during the growing season, as indicated by the presence of hydric soils and oxidized rhizospheres. NEEI has indicated that such conditions would support a predominance of wetland indicator plants if current lawn areas on both properties were left unmown.

The Applicant has not fully delineated the resource areas that are the subject of the second NOI (SE48-2835). The area where the NOI proposes to locate a house as well as adjacent areas are BVW and should be delineated as such.

#### Area of Proposed Second Home Location was Unlawfully Altered

The Applicant’s property in the area of the proposed house was altered in the late 1990s and there is no record of a Notice of Intent Filing or issuance of an Order of Conditions for such alteration. Aerial photographs show the property having significant vegetation and what appears to be water features similar to the adjacent wetlands at least from until 1993 through 1995. Neighbors recall fill being added and the lawn developing on the Applicant’s property in this area in the late 1990s.

There is no dispute that such area was previously within the Commission’s jurisdiction and a likely resource area. The Wetlands Protection Act provides that “[n]o person shall remove, fill, dredge or alter any area subject to protection under this section without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition...” G.L. c. 131, § 40. The Act further provides that “[a]ny person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this section ... shall forthwith comply with any such order or restore such real estate to its condition prior to any such violation.” Case law provides that upon acquiring ownership of land in violation of the Act, the purchaser is obligated to comply with its provisions. *In the Matter of Margot Xarras*, 2010 WL 3427465, at \*19 n.3 (DEP 2010); *Junior v. Town of Marshfield Conservation Com’n*, 2014 WL 4364845, at \*4 (Mass. Land Ct. 2014) (successor landowners are responsible for either compliance with order of conditions issued to prior owner or restoration of the land to its prior condition). While we are not advocating that the Applicant as the current owner of improperly filled land restore such land, we do submit the Applicant should not be benefitted by this fill. As addressed below, this same area is properly classified as Bordering Vegetated Wetlands (BVW) even today given its hydric soils. Even if the Commission did not agree

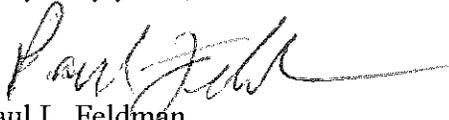
February 6, 2016  
Page 3

DAVIS MALM &  
D'AGOSTINE P.C.  
ATTORNEYS AT LAW

with this finding and considers this area to be buffer today, an Order of Conditions should not issue. This area was improperly filled and, at the very least, should be protected.

For these reasons as well as those set forth in this office's earlier letter, the Conservation Commission should deny the Order of Conditions requested in the second NOI.

Very truly yours,

  
Paul L. Feldman

PLF:

Rec. @ 2/10/16  
Hearing by NEE

New England Environmental, Inc.  
Environmental Consulting  
15 Research Drive  
Amherst, MA 01002  
(p) 413.256.0202  
(f) 413.256.1092  
www.neeinc.com



February 9, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE:           Review, Notices of Intent  
              Brock's Court, Nantucket, MA  
              DEP Files SE 48-2834, 2835  
              NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) has read through a copy of the supplemental information documents from Site Design Engineering, LLC (SDE) dated February 4, 2016, concerning two Notices of Intent for development at Brock's Court. While a full discussion of all the issues raised in the SDE letter is not possible on short notice, we would like to briefly address a few of the deficiencies within this and preceding submissions concerning these projects.

1. The February 4 letter devotes 2½ pages to discussing wetland resources on the abutting property at 36 Liberty Street, and a single short paragraph to the subject property, stating "there are no well-developed natural soil conditions on the Subject Property." This statement is contradicted by hydric soil profiles documented on the site by NEE, soil profiles the Applicant simply chooses to ignore. These hydric soil profiles developed naturally within the fill, in response to wetland hydrology. None of the SDE Existing Conditions Plans shows a complete delineation of the wetland resources on the subject property.
2. The hydric soil pits observed on January 5 (designated A1, A2, & A3) are not a complete delineation of the wetland edge on the 36 Liberty Street property. NEE delineated the edge of the BVW on the portion of this property closest to the subject property with flags B1-B6 on January 21. These flag locations are depicted upon the attached plan. This is only a partial delineation of the BVW on this property, but it projects a buffer zone onto the subject property which is different from both the A and B plans submitted by SDE. However, we still submit that the proposed house site on the subject property is not just in the buffer zone, it is within a wetland.
3. At least some of the fill under the Brock's Court lawn was placed during or after 1995, and well after passage of the Wetlands Protection Act, with no record of a permit. The applicants should not benefit from this illegal activity.
4. The aerial photo from 1940 shows agricultural use within the area proposed for additional structures. This is not inconsistent with wetland conditions. Farmers often placed animal paddocks and pastures in locations which were too wet for crop production. In any event the series of photos from subsequent decades show this area of the subject property to be a wetland resource.





## **SITE DESIGN ENGINEERING, LLC.**

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

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September 2, 2016

SDE No. 12035

Andrew Bennett  
Chairman – Nantucket Conservation Commission  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Subject: Amended Notice of Intent SE48-2834  
1 Brock's Court  
Nantucket, Massachusetts  
Tax Map 42.3.4, Parcel 84**

Dear Mr. Bennett:

The purpose of this letter is to respond to the Enforcement Order (EO) issued for the above referenced property on August 10, 2016. The items listed in the EO include the construction of a fence enclosure (chicken coop), installation of a well, and relocation of an existing dwelling with associated grading, landscaping, hardscaping, and utilities. Currently the Applicant has a Notice of Intent Application (SE48-2834) under review for the previously performed house relocation and associated grading, landscaping, hardscaping and utilities. The Applicant is proposing to amend the existing application (SE48-2834) to address the additional items listed in the enforcement order (fence enclosure and well). The Applicant understands that the existing application has been under review for an extended period of time and that the proposed revision would require re-notification to abutters.

### **ORIGINAL APPLICATION**

#### ***Relocation of the SFR***

SE48-2834 included a request to approve the relocation of the existing single family residence (SFR), the construction of a pervious patio, associated grading, and landscaping. The relocation of the SFR, the construction of the pervious patio, associated landscaping and grading were performed by a previous property owner. At the time the work was performed the historically approved wetland boundary on the Subject Property was approximately coincident with the western property boundary. The previously existing SFR was located entirely outside of the 50-foot BVW buffer zone. The SFR was moved closer to the street with the majority of the structure being located outside of the 100-foot BVW buffer zone. An addition was constructed that occupied a portion of the previous SFR footprint which was located within the 100-foot BVW buffer zone. As a result of the relocation of the previously existing SFR and the construction of the addition and wooden deck, the total structural footprint within jurisdictional areas was reduced by approximately 31%. The previously existing structure had a footprint of approximately 1,150 square feet within the 100-foot BVW buffer zone. The relocated structure has a footprint of approximately 475 square feet within the 100-foot BVW buffer zone and the existing wooden deck has a footprint of approximately 310 square feet within the 100-foot BVW buffer zone for a total structural footprint of approximately 785 square feet within the historically approved BVW buffer zone.

In addition to the relocation of the SFR, the previous owner constructed a deck, wooden retaining wall, and pervious stone patio. All of these features were constructed outside of the historical 50-foot BVW buffer zone. All work was performed within previously altered and landscaped portions of the Subject Property and was outside of the historically approved 50-foot BVW buffer zone.

The work performed by the previous property owner has resulted in less structure within the historically approved BVW buffer zone and has not resulted in any additional adverse impacts to the BVW or associated buffer zones. Therefore, the Applicant respectfully requests that the Commission approve the relocation of the SFR, the construction of the SFR addition, the construction of the pervious patio, wooden retaining wall, and associated landscaping/grading.

## **PROPOSED REVISIONS**

### ***Fence Enclosure (Chicken Coop)***

The Applicant constructed a wood and mesh fence enclosure (chicken coop) on a portion of the Subject Property which is partially within the historically approved 50-foot BVW buffer zone. The Applicant is proposing to remove this structure from any jurisdictional portion of the Subject Property.

### ***Well***

The observed pipe located adjacent to the existing pervious driveway is not a well. This structure is a small leaching pit/infiltration device that was installed on the Subject Property to help infiltrate water from the existing crawl space foundation. Water is pumped via a sump pump to the top of this leaching chamber where it then infiltrates back into the groundwater. No roof runoff, or any other water sources are directed to this leaching chamber it simply returns groundwater which seeps into the crawlspace back into the soil.

This leaching device was not previously proposed as part of the NOI application. The existing leaching device is located outside of the historically approved 25-foot BVW buffer zone and is simply intended to infiltrate water from the crawl space foundation. The Applicant feels that this leaching system is providing an overall benefit to the area as it helps infiltrate high groundwater and that it will not result in any adverse impacts to the BVW or associated buffer zones. Therefore, the Applicant respectfully requests that the Commission approve this leaching chamber.

## **CONCLUSION**

The Applicant is revising the existing NOI application to address the items listed in the EO. The Applicant has previously requested approval for the previously performed relocation of the SFR, construction of the wooden deck, wooden retaining wall, pervious patio, and associated landscaping/grading. Under the revised NOI, the Applicant is requesting approval for the previously installed leaching system designed to infiltrate water from the crawlspace foundation. Finally, the Applicant is proposing to remove the existing wood and mesh fence enclosure from jurisdictional portions of the Subject Property.

SDE No. 12035  
1 Brock's Court  
SE48-2834 revised NOI Application  
September 2, 2016

Page 3 of 3

If you have any questions, please feel free to contact me via email at or at 508-802-5832.

Respectfully,  
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits", written in a cursive style.

Mark Rits  
Project Manager/Permitting Specialist

---

***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346  
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New England Environmental, Inc.

15 Research Drive | Amherst, MA 01002  
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A DIVISION OF  
**SWCA**  
ENVIRONMENTAL CONSULTANTS

September 7, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE: Enforcement Order  
Brock's Court, Nantucket, MA  
DEP Files SE 48-2834, 2835  
NEE File 13-4266**

Dear Commission members,

Upon review of the Enforcement Order issued by the Commission to Edwin Snider Realty Trust on 8/10/2016 and a copy of the response to the enforcement from Site Design Engineering, LLC (SDE) dated September 2, 2016, concerning continuing unpermitted development at Brock's Court, we would like to make the following comments.

The SDE letter continues a pattern of minimizing and mischaracterizing the activity which has taken place on this property. In asserting that the house relocation and associated landscaping "has resulted in less structure within the historically approved BVW buffer zone and has not resulted in any additional adverse impacts to the BVW or associated buffer zones", and that "total structural footprint within jurisdictional areas was reduced by approximately 31%", it appears that SDE is calculating structures to include the house, an addition, and a deck, but not a retaining wall and the fill behind it. This filled area and the other alterations of the property have displaced surface water and have resulted in increased drainage problems on adjacent properties. Moreover, the reference to an "historically approved BVW buffer zone" is also not correct. As we understand it, the land to the west of the subject property was delineated in connection with a conservation restriction or conveyance and that delineation only looked at the property that was the subject of that transaction and not the subject property. Edwin Snider Realty Trust has inappropriately treated that wetland boundary as if it delineated the subject property. As has been demonstrated by prior submissions to the Conservation Commission, the subject property contains substantially more resource area than the Edwin Snider Realty Trust has ever identified to the Commission.

Regarding the structure which was installed on this property starting on March 31, 2016 and referred to as a "small leaching pit/infiltration device" in the SDE response letter, we would like to refer the Commission back to the photographs of the activity provided with our letter of August 9, which show what appears to be a 25' tall drill rig and a small dumptruck load of soil being hauled away. When the Natural Resources Coordinator was asked to take a look, he responded on April 5: "I was informed of some soil borings that were being done to conduct some deeper soil analysis." That information was misleading at best. We now have something installed underground on this property, again without a permit, and no plans showing the design or location of what was installed. The closest neighbor now reports increased water coming into their basement, which is consistent with water being pumped out of the new crawlspace and sent to an "infiltration device."

The Enforcement Order states that "A restoration plan shall be filed with the issuing authority on or before 9/7/2016." The SDE letter is not a plan, and does not begin to address restoration of this site beyond removal



A DIVISION OF SWCA

of the chicken coop. In order to assess the unpermitted work which has been done, the Commission needs detailed plans showing the full extent of the work, before it can determine the appropriate restoration.

The Enforcement Order further states: "This shall serve as a warning that if the property is not brought into compliance or progress made on open applications that a ticket shall be issued upon authorization by the Conservation Commission." The property remains out of compliance, due to unpermitted alterations which have not been restored. The property owner brazenly undertook alterations of the subject property knowing from their own submissions that the work was in the buffer zone and knowing from our submissions that the work was, in fact, in resource area. Furthermore, there has been no significant progress made on the two NOI applications originally submitted in October of 2015, and no new information on those applications since the Enforcement Order was issued. For these reasons, we believe that it is appropriate to issue a ticket and begin to apply fines for the unpermitted activity.

On behalf of the abutters to this property, thank you for your attention to this long process.

Sincerely,  
New England Environmental

  
Bruce Griffin  
Senior Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket  
Gregory DeCesare, MassDEP  
Mark Rits, P.E., Site Design Engineering, LLC  
Paul Feldman, Esq., Davis, Malm & D'Agostine, P.C.  
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters



## **SITE DESIGN ENGINEERING, LLC.**

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

---

September 16, 2016

SDE No. 12035

Andrew Bennett  
Chairman – Nantucket Conservation Commission  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Subject: Supplemental Information Notice of Intent SE48-2834  
2 Brock's Court (Formerly 1 Brock's Court)  
Nantucket, Massachusetts  
Tax Map 42.3.4, Parcel 84**

Dear Mr. Bennett:

The purpose of this letter is to provide supplemental information for the above referenced Notice of Intent (NOI) Application based on the Enforcement Order (EO) discussion during the September 7, 2016 Public Hearing. Please note that since the submittal of the original NOI the address of the Subject Property has been changed from 1 Brock's Court to 2 Brock's Court.

### ***Fence Enclosure***

The Applicant has agreed to remove the fence enclosure from within jurisdictional portions of the Subject Property. The fenced enclosure was located within a lawn area. Upon removal the area will be reseeded.

### ***Infiltration Device***

The Applicant is proposing to remove the previously installed infiltration device. The casing will be pulled and the hole will be backfilled, loamed, and seeded as lawn.

### ***Relocation of the SFR***

Information previously submitted to the Commission quantified the previously existing structural footprint within historically jurisdictional areas and the new structural footprint within these same areas and stated the following:

*“As a result of the relocation of the previously existing SFR and the construction of the addition and wooden deck, the total structural footprint within jurisdictional areas was reduced by approximately 31%. The previously existing structure had a footprint of approximately 1,150 square feet within the 100-foot BVW buffer zone. The relocated structure has a foot print of approximately 475 square feet within the 100-foot BVW buffer zone and the existing wooden deck has a footprint of approximately 310 square feet within the 100-foot BVW buffer zone for a total structural footprint of approximately 785 square feet within the historically approved BVW buffer zone.”*

These calculations were based on the wetland delineation performed by Laura Schofield in 2015. This delineation showed the wetland boundary approximately an average of 4-6 feet landward of the historically approved wetland boundary (see Site Plan). Therefore, the calculated footprint within jurisdictional areas based on the Schofield line is greater than the jurisdictional footprint based on the historically approved wetland boundary. For the purposes of this discussion we will continue to use the areas based on the 2015 Schofield line. Additionally, the areal calculations did not include the 6" timber retaining wall which was constructed partially within historically jurisdictional areas. Approximately 28 feet of timber retaining wall with a width of approximately 1 foot is located within historically jurisdictional areas for a total footprint of approximately 28 square feet. The existing retaining wall is located approximately 8-12 feet closer to the property boundary than the historic house. Revised calculations for areal impacts are as follows:

*As a result of the relocation of the previously existing SFR and the construction of the addition, wooden deck, and timber retaining wall, the total structural footprint within jurisdictional areas was reduced by approximately 29%. The previously existing structure had a footprint of approximately 1,150 square feet within the 100-foot BVW buffer zone. The relocated structure has a footprint of approximately 475 square feet within the 100-foot BVW buffer zone, the existing wooden deck has a footprint of approximately 310 square feet within the 100-foot BVW buffer zone, and the retaining wall has a footprint of approximately 28 square feet within the 100-foot BVW buffer zone for a total structural footprint of approximately 813 square feet within the historically approved BVW buffer zone.*

The existing pervious patio and fill do not meet the regulatory definition of a structure under the Wetlands Protection Act or the Bylaw for work within a buffer zone.

### ***Historical Drainage***

The abutter at 42 Liberty Street, Gregory Elder has indicated that work on the Subject Property, specifically construction of the 2.5-foot high timber retaining wall, has resulted in drainage problems on the northwest portion of the 42 Liberty property. Mr. Elder has also indicated that work on the Subject Property has resulted in the death of privet hedges along the property boundary. These two issues are addressed below.

### ***Retaining Wall***

The existing retaining wall is located approximately 70 feet from the historically approved wetland boundary. The timber retaining wall runs perpendicular to the wetland boundary and does not interfere with water flow towards the wetland. The 42 Liberty property has open downspouts which are directed towards the northwest portion of the property. The 42 Liberty property slopes towards the low spot in the northwest corner and all runoff will naturally flow in this direction. Additionally, a June 15, 2014 aerial photo available from Google Earth (Photo 1) shows that Mr. Elder performed work on the north west portion of the 42 Liberty property sometime in early 2014. This work appears to include the removal of a tree, spreading of loam, and the subsequent planting of a lawn. Portions of the performed work are located in the historically approved BVW buffer zone. It appears that this work may have been performed without the benefit of a permit. It is also possible that this work resulted in alterations of the grade on the northwest portion of the 42 Liberty property and has subsequently resulted in drainage problems. It is important to note that the northwestern portion of

the 42 Liberty property is currently at a lower elevation than the catch basin located on the property boundary. Because this portion of the 42 Liberty property is located below the catch basin it is prone to flooding. While Mr. Elder may wish that his runoff could flow onto the Subject Property, it is not the responsibility of the Applicant to accommodate his runoff.

*Privet Hedge*

Mr. Elder indicated that the privet hedge which demarcates the boundary between the western portion of 42 Liberty and the open lawn area of the Subject Property is dying as a result of work on the Subject Property. A May 20, 2010 aerial photo available from Google Earth (Photo 2) shows that portions of the privet hedge adjacent to the existing catch basin on the Property boundary appear to be dying long before any work on the Subject Property was undertaken. Any additional problems with the privet along this portion of the property boundary may have resulted from the 2014 work performed by M. Elder on the 42 Liberty property.

**CONCLUSION**

The Applicant has revised the total areal impacts of the existing structure as compared with the historical structure on the Subject Property. A reduction in structural footprint of approximately 337 square feet of structure (29%) within historically jurisdictional areas has been achieved as the result of the previously performed house move. The Applicant has agreed to remove the fenced enclosure and the infiltration device and will restore these areas to their previous condition. Finally, the Applicant feels that drainage issues on the northwest portion of the 42 Liberty property may be the result of unpermitted work performed by Mr. Elder on the 42 Liberty Property.

If you have any questions, please feel free to contact me via email at or at 508-802-5832.

Respectfully,  
Site Design Engineering, LLC.



Mark Rits  
Project Manager/Permitting Specialist

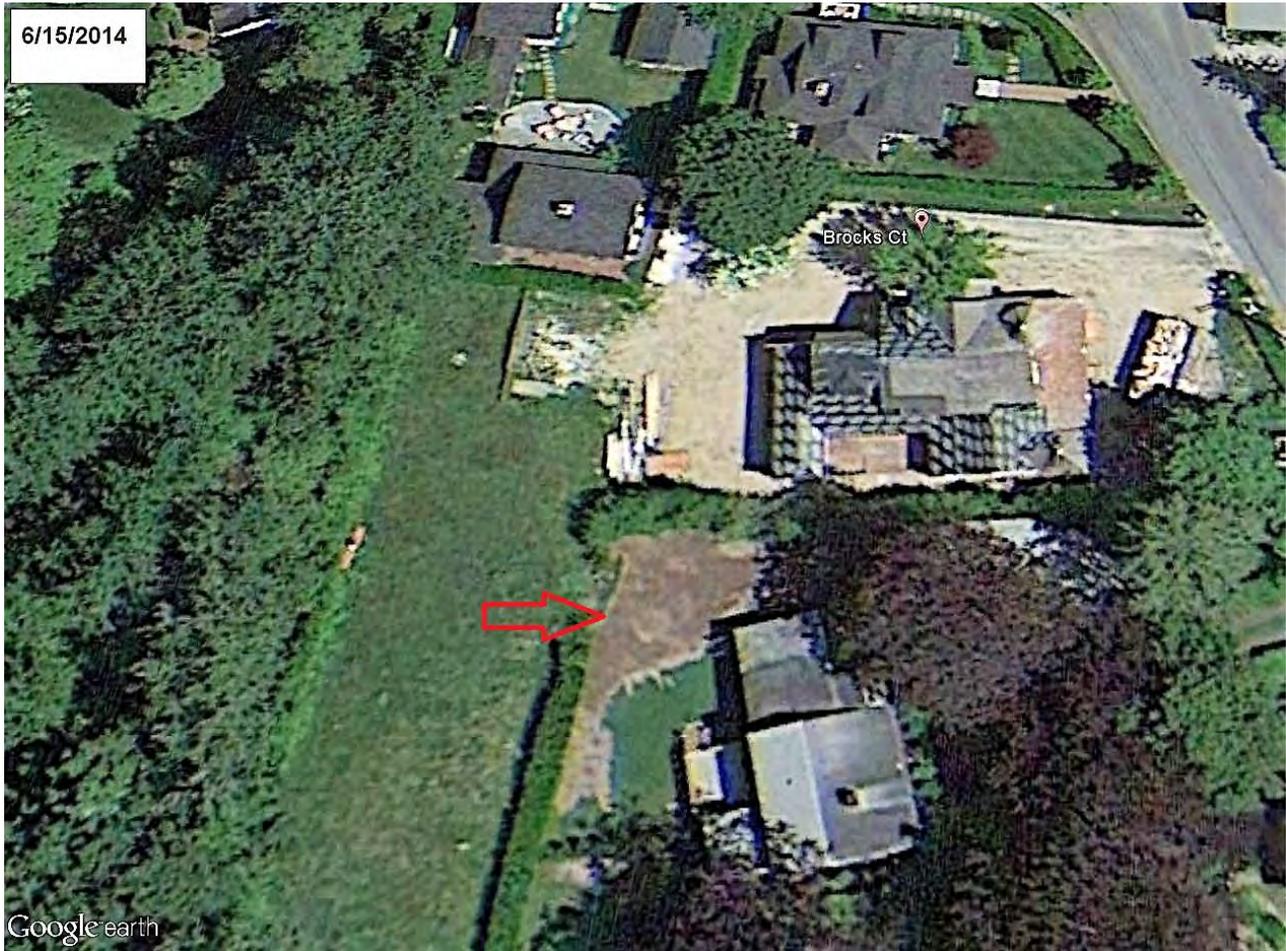


Daniel C. Mulloy, PE.  
President/Manager

---

**SITE DESIGN ENGINEERING, LLC.**

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

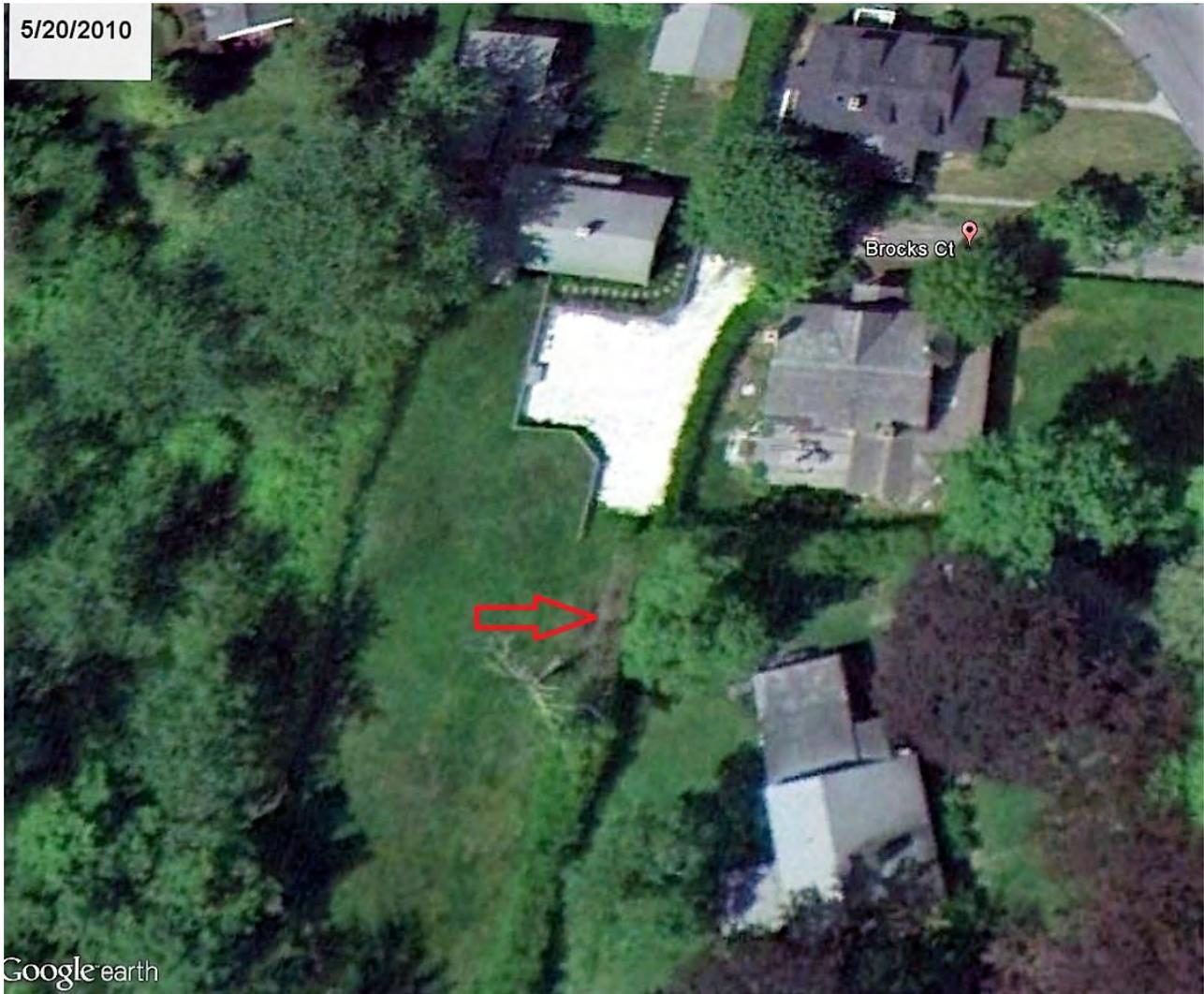


**Photo 1:** Google Earth Imagery from June 15, 2014 showing unpermitted removal of tree, spreading of loam, and subsequent seeding of lawn within historically jurisdictional BVW buffer zone on 42 Liberty Property.

---

***SITE DESIGN ENGINEERING, LLC.***

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



**Photo 2:** Google Earth Imagery from May 20, 2010 showing dying privet along property boundary between 42 Liberty and 2 Brock's Court.

---

***SITE DESIGN ENGINEERING, LLC.***

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

**NEW  
INFORMATION  
FOR CURRENT  
HEARING**

Sunset House, LLC

15 Hallowell Lane

(30-10)



# **NOTICE OF INTENT APPLICATION**

To Increase the Height of an  
Existing Timber Bulkhead

At

15 Hallowell Lane  
Nantucket, MA

September 2016

Prepared For

**SUNSET HOUSE, LLC**



September 2, 2016

Mr. Andrew Bennet, Chair  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

Re: Notice of Intent for Increased Bulkhead Height  
15 Hallowell Lane  
Map 30 Parcel 10

Dear Mr. Bennett:

On behalf of the property owner Sunset House, LLC, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for increase in the height of an existing timber bulkhead at the referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities consist of adding timbers along, and planting of American Beach Grass along the length of Coastal Bank located at the Site. Resource areas at the Site include Coastal Bank, Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage and Land Under the Ocean. Attached are permit drawings, including plans showing a site locus, existing conditions including resource area locations, and proposed construction areas.

A completed WPA Form 3 – Notice of Intent is attached along with the NOI Wetland Fee Transmittal Form including checks for \$252.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$266.90 to the Inquirer & Mirror for publication of the notice of the public hearing. A Waiver from Section 2.05.B.3 of the Town of Nantucket Bylaw Chapter 136 has not been requested as the work is associated with a water dependent use.

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

#### Site Description

The subject property is approximately three-quarters of an acre in size and is located on the north shore of Nantucket. The property is bounded to the north by Nantucket Sound, and abutted by existing residential-use properties also served by on-site septic systems. The property and surrounding properties are provided drinking water from the municipal supply.

A review of the October 1, 2008 "Massachusetts Natural Heritage Atlas", prepared by the Natural Heritage and Endangered Species Program (NHESP), indicates that the site is within the known range of state listed rare wildlife species. A relevant portion of the Atlas has been included with this filing, and a copy provided to NHESP.

**20 Mary Ann Drive • Nantucket, MA 02554**  
**508-825-5053 • [www.NantucketEngineer.com](http://www.NantucketEngineer.com)**

Resource Areas on the Site consist of Coastal Bank, Coastal Dune and Coastal Beach and associated buffer zones, Land Subject to Coastal Storm Flowage and Land under the Ocean (Nantucket Sound). No work is proposed in Nantucket Sound (Land Subject to Coastal Storm Flowage), or below Mean High Water.

The Coastal Beach is located between the Sound and the existing Coastal Bank (Timber Bulkhead). Work proposed in this resource area includes only temporary laborer activity associated with the project.

The Coastal Bank is an existing timber bulkhead located between the Coastal Beach and the Coastal Dune. Work in this area consists of installation of posts behind the timber bulkhead. The disturbed areas will be covered with sand and planted with American Beach Grass.

Land Subject to Coastal Storm Flowage extends to the 100-year flood elevation of 9 (NAVD88). The performance standards within this area are met as the ability of the land to contain flood waters is not impacted.

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

#### Project & Work Description

Sunset House, LLC will retain an experienced contractor to perform the proposed work. The plans show the proposed construction details, including timber and planting details. The Applicant proposes to add up to three horizontal timber members across the top of an existing timber bulkhead. Construction access will be from the existing driveway areas to the top of the bank. Posts will be installed along the backside of the bulkhead, with a majority of the work done by hand labor, and no machinery is proposed to work from the beach. Workers may use a step ladder on the beach while securing the timbers with bolts. Any disturbed areas on the bank will be filled with clean compatible sand and planted with American Beach Grass.

The construction access for the project will be from the upland portion of the property along the west side of the house. This access will be used for once daily trips to get a small track excavator to the bulkhead. No equipment will be left on the bank overnight or during severe storms. The access will be restored to match the existing conditions. Before and after construction photographs will be provided to the Commission to document appropriate restoration of the access area.

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

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

Upon completion of the project, any disturbed areas within the Coastal Bank & Dune will be vegetated with American Beach Grass.

### Monitoring & Maintenance

The applicant proposes to conduct the following observation and maintenance program for the installed timbers and vegetation:

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

### Conclusion

The work is being proposed as part of the applicant's obligation to protect the integrity of the coastal engineering structure. Further, the proposed work will improve the stability of the coastal bank, and viability of vegetation, in alignment with the protected interests. The work as proposed will not affect the ability of the resource areas to function as they currently do, and will result in an improvement to the stability and vegetative community of the coastal bank system. The project will not result in an adverse impact on the areas or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and scenic views.

Sincerely,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro". The signature is written in a cursive style and is positioned above the printed name.

Arthur D. Gasbarro, PE, PLS, LEED AP



WPA Form 3 - Notice of Intent

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

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

A. General Information (continued)

6. General Project Description:

The Applicant proposes to increase the height of a portion of an existing timber bulkhead that is being over topped during storm events. Horizontal timbers will be added to the top within the footprint of the existing structure. Timber posts are proposed behind the bulkhead to provide support. Disturbed areas behind the bulkhead will be filled with clean, compatible sand then planted with American Beach Grass. 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 24,340
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.

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



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581  
p: (508) 389-6300 | f: (508) 389-7890  
**MASS.GOV/MASSWILDLIFE**

Jack Buckley, *Director*

October 12, 2016

Sunset House LLC  
535 Chestnut Street, #210  
Chattanooga TN 37402

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket MA 02554

**Project Location:** 15 Hallowell Lane  
**Town:** Nantucket  
**Project Description:** Increase height of timber bulkhead ( $\pm 2$  ft)  
**Wetlands File No.:** 048-2924  
**NHESP Tracking No.:** 09-26559

**RE: Notice that your application for review pursuant to the  
WPA (321 CMR 10.37) and MESA (321 CMR 10.18) is incomplete.**

Dear Commissioners and Applicant:

On **September 12, 2016** the Natural Heritage and Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife (Division) received a Notice of Intent and other information from the Applicant pursuant to the rare wildlife species provision of the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations **310 CMR 10.37**, and the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.18).

The Division has determined that the proposed project is located within the mapped *Priority and Estimated Habitat* of Piping Plover (*Charadrius melodus*) a species state-listed as Threatened pursuant to the MESA. This species and its habitats are protected pursuant to the WPA and the MESA. Fact sheets for state-listed species can be found at [www.mass.gov/nhesp](http://www.mass.gov/nhesp). The Piping Plover is also federally protected as a Threatened species pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11).

The purpose of the Division's review of the proposed project under the WPA regulations is to determine whether the project will have any adverse effects on the Resource Areas Habitats of state-listed species. The purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project. Under 321 CMR 10.18(1), the Division is required to notify the Record Owner of the property where the project is proposed within 30 days whether the submitted application contains the information required to be submitted to the Division pursuant to 321 CMR 10.20, including the applicable review fee.

The proposed height increase (2 ft) of the timber bulkhead has the potential to affect the available nesting habitat by reducing the amount of sediment within the system (down-drift beaches and dunes)

MASSWILDLIFE

available to nesting Piping Plovers (*Charadrius melodus*). Soft solutions such as dune nourishment or bioengineering help to reduce wave energy and potentially reduce erosion through the use of natural fiber blankets or rolls and plantings with deep root systems which aid in stabilization. These methods allow sand to remain within the littoral system and available to down-drift nesting habitat.

This letter is to inform you that the Division has reviewed the materials submitted with your combined application under the WPA and MESA regulations and has determined that your application is **incomplete** because it does not contain all of the minimum information required in order for the Division to complete its review pursuant thereto. Consequently, the following information must be submitted to the Division in order to take further action on your application:

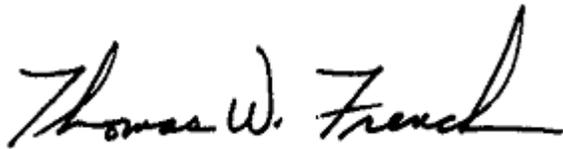
- 1) Project plan – Please submit a site plan for the entire project site showing existing and proposed conditions and clearly demarcated limits of work. Said plan should provide tidal datum for this site. Please show the appropriate locations of Mean Higher High Water (MHHW) and Mean Lower Low Water (MLLW).
- 2) Alternatives Analysis – Provide an alternatives analysis that includes either bioengineering (e.g. natural fiber blankets or coir rolls with plantings that assist in coastal bank stabilization) or other soft solutions to absorb the wave energy that may overtop the bulkhead.

After receiving the above information, the Division will continue its review of the proposed project for compliance with the state-listed species provisions of the WPA and MESA regulations. The Division reserves the right to request additional information to understand the potential impacts of the proposed project on state-listed species and their habitats.

No work or other activities related to your filing may be conducted anywhere on the project site until the Division completes its review.

If you have any questions concerning this notice, please contact Amy Hoenig, Endangered Species Review Biologist, at (508) 389-6364.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style.

Thomas W. French, Ph.D.  
Assistant Director

cc: MA DEP Southeast Region  
Arthur D. Gasbarro, Nantucket Engineering & Survey

**Property** ^

Address 15 HALLOWELL LN

ID 30 10

**Ownership** ^

Name SUNSET HOUSE LLC

Address 535 CHESTNUT ST #210,  
CHATTANOOGA, TN 37402

**Valuation** ^

Total \$9,507,900

Land \$8,524,800

Last Sale \$5,200,000 on 2012-08-08

Book/Page /C0024340

**Land** ^

Area 0.58 AC

Zone R2

**2008 NHESP MAPPING**





**Storm Damage**



LOCUS

Google e

Eastern End of the Project

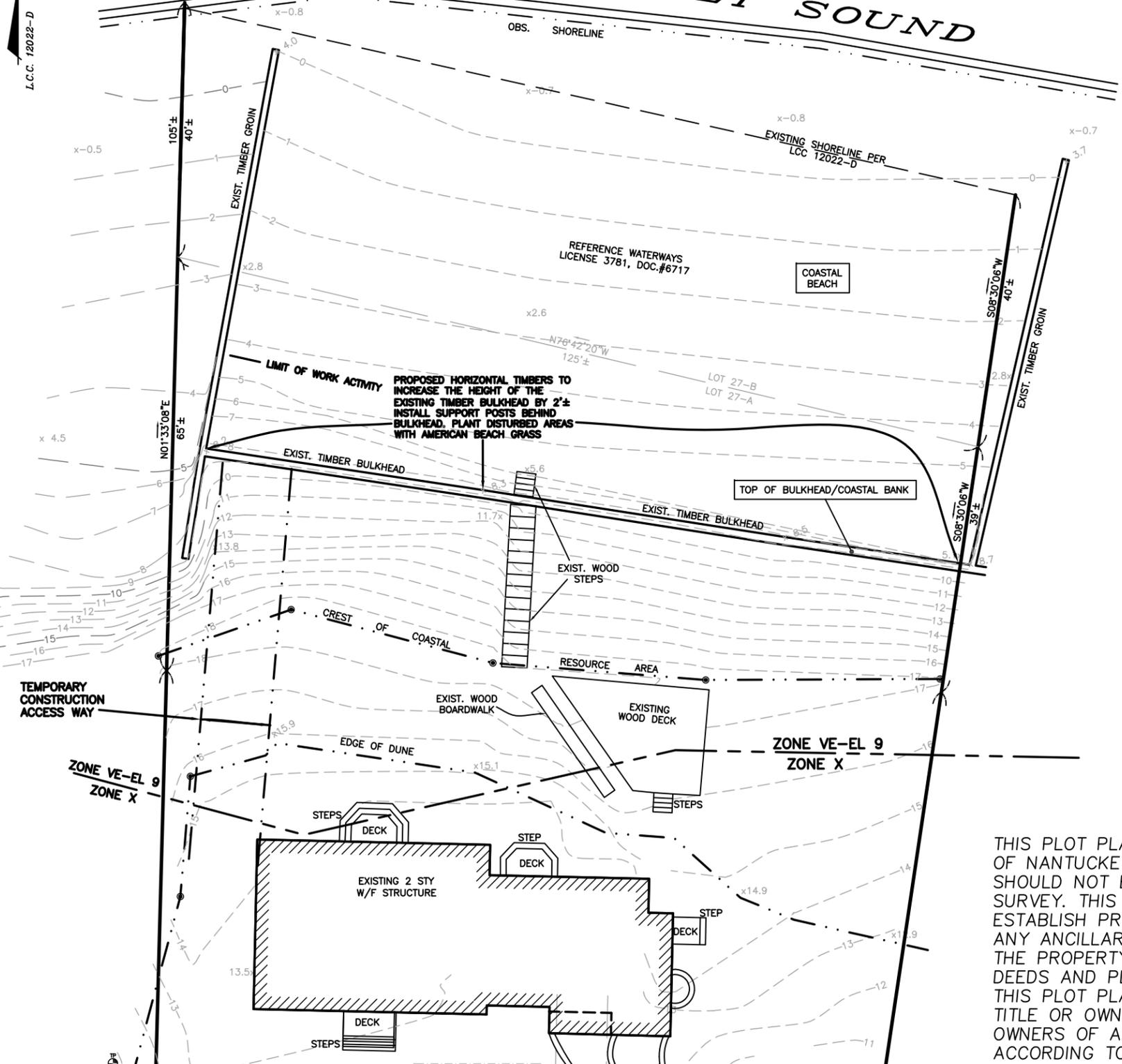


Western End of the Project



FLOOD ZONES PER FEMA MAP: 25019C0086G  
EFFECTIVE 06/09/2014.

# NANTUCKET SOUND



PROPOSED HORIZONTAL TIMBERS TO INCREASE THE HEIGHT OF THE EXISTING TIMBER BULKHEAD BY 2'±. INSTALL SUPPORT POSTS BEHIND BULKHEAD. PLANT DISTURBED AREAS WITH AMERICAN BEACH GRASS.

PROPOSED 6"x8" TIMBERS

PROPOSED 6"x6" POSTS

PROPOSED 3/4" BOLT (Galvanized or Stainless)

EXISTING

COASTAL BANK

BEACH (VARIES)

4" X 6" T&G

BULKHEAD DETAIL (NTS)

SITE PLAN TO ACCOMPANY A NOTICE OF INTENT APPLICATION  
Prepared For  
SUNSET HOUSE LLC  
15 Hallowell Lane  
Map 30 Parcel 10  
Certificate No. 24,340  
Land Court Plan 12022D  
Scale: 1"=20' September 6, 2016

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET CONSERVATION COMMISSION ONLY & 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.



**NEW  
INFORMATION  
FOR CURRENT  
HEARING**



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

N-10797

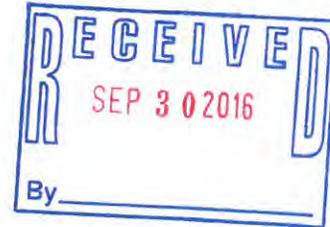
September 30, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Gregory Reyes, c/o Steven Cohen, Esq.  
19 East Creek Road (Map 55 Parcel 60)  
Nantucket, MA 02554

COPY



Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee);
- One (1) Check to the Inquirer & Mirror - \$266.90 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$262.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA - \$237.50 (WPA Fee) Copy
- One (1) Check to Commonwealth of MA—NHESP -- \$300.00 (Copy)

This application is for the proposed demolition of the existing dwelling and construction of a new dwelling footprint, repair and maintenance of an existing pile supported pier with associated site work, grading, and landscaping within Land Subject to Coastal Storm Flowage and buffers to a Salt Marsh and a Policy Coastal Bank. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #19 East Creek Road" prepared by Nantucket Surveyors, LLC, Dated: September 30, 2016. Waivers are required for this application.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,  
Nantucket Surveyors, LLC

A handwritten signature in blue ink that reads 'Paul J. Santos'.

Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office  
Steven Cohen, Esq.

Office located at 5 Windy Way • Nantucket, MA 02554

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



P.O. Box 3627, Nantucket, Massachusetts 02584-3627

Tel. (508) 228-0240 Fax (508) 228-9856

www.nantucketsurveyors.com

nsllcinfo@nantucketsurveyors.com

N-10797

September 30, 2016

Amended 10/5/16 Scope of Work

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Gregory Reyes, c/o Steven Cohen, Esq.  
19 East Creek Road (Map 55 Parcel 60)  
Nantucket, MA 02554

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- One (1) Check to the Town of Nantucket - \$262.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA – \$237.50 (WPA Fee) Copy
- One (1) Check to Commonwealth of MA—NHESP -- \$300.00 (Copy)

This application is for the proposed demolition of the existing dwelling and construction of a new dwelling footprint with associated site work, grading, and landscaping within Land Subject to Coastal Storm Flowage and buffers to a Salt Marsh and a Policy Coastal Bank. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #19 East Creek Road" prepared by Nantucket Surveyors, LLC, Dated: September 30, 2016. Waivers are required for this application.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,  
Nantucket Surveyors, LLC

A handwritten signature in blue ink, appearing to read 'Paul J. Santos', is written over the typed name.

Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office  
Steven Cohen, Esq.

Office located at 5 Windy Way • Nantucket, MA 02554

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



## Notice of Intent

Map 55 Parcel 60  
19 East Creek Road  
Nantucket, Massachusetts

Prepared for: **Gregory Reyes**  
c/o Steven Cohen, Esq.  
Cohen & Cohen Law PC  
34 Main Street, P.O. Box 786  
Nantucket, MA 02554

Prepared by: **Nantucket Surveyors, LLC**  
5 Windy Way, PO Box 3627  
Nantucket, MA 02584

**September 30, 2016**



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

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

19 East Creek Road  
 a. Street Address  
 Nantucket  
 b. City/Town  
 02554  
 c. Zip Code  
 41.274827  
 d. Latitude  
 -70.089039  
 e. Longitude  
 60  
 g. Parcel /Lot Number  
 55  
 f. Assessors Map/Plat Number

2. Applicant:

Gregory  
 a. First Name  
 Reyes  
 b. Last Name  
 c/o Steven Cohen, Esq. Cohen & Cohen Law PC  
 c. Organization  
 34 Main Street  
 d. Street Address  
 Nantucket  
 e. City/Town  
 MA  
 f. State  
 02554  
 g. Zip Code  
 508-228-0337  
 h. Phone Number  
 508-228-0970  
 i. Fax Number  
 steven@cohenlegal.net  
 j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

Mary D.  
 a. First Name  
 Starr  
 b. Last Name  
 c. Organization  
 877 Andorra Road  
 d. Street Address  
 Layfayette Hill  
 e. City/Town  
 PA  
 f. State  
 19444  
 g. Zip Code  
 508-228-0444  
 h. Phone Number  
 i. Fax Number  
 patricia@halstedlaw.com  
 j. Email address

4. Representative (if any):

Paul  
 a. First Name  
 Santos  
 b. Last Name  
 Nantucket Surveyors, LLC  
 c. Company  
 P.O. Box 3627  
 d. Street Address  
 Nantucket  
 e. City/Town  
 MA  
 f. State  
 02554  
 g. Zip Code  
 508-228-0240  
 h. Phone Number  
 508-228-9856  
 i. Fax Number  
 psantos@nantucketsurveyors.com  
 j. Email address

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

\$500  
 a. Total Fee Paid  
 \$237.50  
 b. State Fee Paid  
 \$262.50  
 c. City/Town Fee Paid



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

## A. General Information (continued)

### 6. General Project Description:

This application is for the proposed demolition of the existing dwelling and construction of a new dwelling footprint with associated site work, grading, and landscaping within Land Subject to Coastal Storm Flowage and buffers to a Salt Marsh and a Policy Coastal Bank.

### 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

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

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

- 1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

#### 2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

### 8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

13552

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.



P.O. Box 3627, Nantucket, Massachusetts 02584-3627

Tel. (508) 228-0240 Fax (508) 228-9856

[www.nantucketsurveyors.com](http://www.nantucketsurveyors.com)

[nsllcinfo@nantucketsurveyors.com](mailto:nsllcinfo@nantucketsurveyors.com)

NS10797

October 14, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, Massachusetts 02554

Re: Waiver Request  
Applicant: Greg Reyes  
19 East Creek Road- Map: 55 Parcel: 60

Dear Commissioners:

On behalf of the applicant, Nantucket Surveyors, LLC, is requesting a waiver from the Nantucket Wetlands Protection Regulations, Section 2.05 (B)(5), Section 2.06 (B)(4) and Section 2.10 (B)(2) for the above referenced project, specifically a waiver for demolition of the existing dwelling and construction of a new dwelling footprint with associated sitework, grading and landscaping within Land Subject to Coastal Storm Flowage and buffers to a Salt Marsh and a Policy Coastal Bank. The applicant wishes to apply for this waiver under the premise that the proposed project will not adversely impact the interest identified in the Bylaw and there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the regulations, Section 1.03(F)(3)(a).

The applicant proposes redevelopment of the existing site within area previously altered. More specifically the following work requiring a waiver is proposed:

- Building within the 25-foot natural undisturbed setback
- Building within the 50-foot no build setback
- Construct a foundation system within a two-foot separation to high groundwater
- Maintain the existing sewer pump pit within Land Subject to Coastal Storm Flowage

Office located at 5 Windy Way • Nantucket, MA 02554

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

## Interests Protected

- **Public and Private Water Supply:** The existing site is supplied by public water. No modification to this is proposed.
- **Groundwater:** Not applicable to this project.
- **Fisheries and Shellfish:** Not applicable to this project.
- **Recreation:** The Coastal Resource is on private property, and it is not available for recreational use by the public.
- **Water Pollution:** All resource area will be surrounded by silt fencing to control any possible water pollution by erosion.
- **Wetland Scenic Views:** The existing views will not be altered. The building will be elevated to conform with applicable Building Code and NFIP regulations.
- **Wildlife:** No changes in landscape will take place that would cause a change in the movement of wildlife. No wildlife obstruction will occur.
- **Flood Control and Storm Damage Prevention:** There is no new change in grading proposed by this project.
- **Erosion Control:** The site will be protected during the construction phase of this project.

Thank you for your time and attention to this matter.

Sincerely,  
Nantucket Surveyors, LLC



By Paul J. Santos, PLS  
Agent for the Applicant

CC: Greg Reyes  
Stephen Cohen, Esq.

## **APPENDIX A**

### **Project Narrative**

## **APPENDIX A PROJECT NARRATIVE**

### **Introduction**

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed demolition of the existing dwelling and construction of a new dwelling footprint with associated site work, grading, and landscaping within Land Subject to Coastal Storm Flowage and buffers to a Salt Marsh and a Policy Coastal Bank.

### **Existing Site Conditions**

The subject property is located at the end of East Creek Road, Nantucket Assessors Map: 55 Parcel: 60. The site is approximately 38,586 S.F., consisting of a 1 story dwelling and developed residential lot. The surrounding land use is a mix of residential and commercial. Site is serviced by public water and sewer.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0089G), dated June 9, 2014, shows that the site is located within Flood Hazard Zone AE (El. 8) and Zone VE (El. 9).

The Massachusetts Natural Heritage Atlas, 12<sup>th</sup> Edition, dated October 2008 (Appendix C) shows that Priority Habitat and Estimated Habitat is mapped within the site. The proposed work does require a filing with MESA.

### **Erosion Control**

Silt fence erosion control will be installed along the limit of the work as depicted on the site plan filed herewith.

### **Site History**

October 29, 1981	Order of Conditions issued by the Nantucket Conservation Commission SE48-168. COC issued 12/4/87, reissued 10/24/03.
April 27, 1989	Order of Conditions issued by the Nantucket Conservation Commission SE48-540 for a “Pile Supported Pier” License Plan No. 2324. COC issued 6/23/94.

Laurentide Environmental, LLC  
14 South Shore Road  
Nantucket, MA 02554

e-mail: laurentideenvironmental@comcast.net

(508) – 332 – 9722

**Field Inspection Report**

**Date:** October 15, 2016

**Applicant / Owner:** Gregory Reyes

**Location:** 19 East Creek Road

**Agent:** Nantucket Surveyors - Paul Santos

**Comments:** Developed lot below the coastal bank on Monomoy Creeks salt marsh area. The NOI requests to demolish the existing structure and replace it with a new one. The property is almost entirely below the Coastal Bank and contains a Saltmarsh. The property is serviced by Town water and sewer.

The proposed work area is **within** resource areas (Coastal Bank and Land Subject to Coastal Storm Flowage) and inches away from another resource area (Salt Marsh).

It is my understanding that work on the existing pier has been withdrawn from this NOI.

The submitted project narrative is lacking details on the demolition process, limiting work, building design.

The new building envelope (outlined in blue in the revised plans) appears to go below the wetland boundary and is too vague for the sensitive nature of this property.

The waiver request incorrectly states that the project has no impacts on recreation and wetland scenic views. The Monomoy Creek salt marsh system and creeks themselves are used regularly by the Public for at least walking, kayaking and boating.

The current building ridge is mostly hidden from the view of the Creeks from the Town's property. Any increase in the building's height that makes it more visible would have an adverse impact on the Public's wetland scenic views.

**Questions and Recommendations:**

Additional information on the demolition and construction process is needed. First floor and total building elevations are critical to protect the Commission's interests.

More detail is needed.

**Inspector:** B. Perry



October 14, 2016

**EMAIL** (psantos@nantucketsurveyors.com)

Paul Santos  
Nantucket Surveyors, LLC  
P.O. Box 3627  
Nantucket, MA 02584

**Re: Wetland Resource Area Analysis  
19 East Creek Road  
Map 55, Parcel 60  
Nantucket, Massachusetts**

[LEC File #NSLLC\16-331.01]

Dear Paul:

As requested, LEC Environmental Consultants, Inc., (LEC) conducted a site evaluation at the above-referenced subject parcel to demarcate Wetland Resource Area boundaries protected under the *Massachusetts Wetlands Protection Act* (WPA, M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations (Bylaw)*. The following report provides a description of general site conditions and Wetland Resource Areas.

**General Site Description**

The 1.0± acre subject parcel is located at the terminus of East Creek Road affording frontage along “The Creeks”, a series of tidal creeks associated with a larger Salt Marsh system south of Nantucket Harbor. “Our Island Home”, a nursing facility owned by the Town, abuts the property to the southwest. Additional residential homes occur to the west and southeast.

The subject parcel is currently improved by a single-family dwelling accessed via a shell driveway, both extending parallel to the Salt Marsh. Salt spray rose (*Rosa rugosa*) occurs between the driveway/home and the Salt Marsh. A pile supported dock exists within the northern portion of the property (License #50163/Plan #2324). A deck is attached to the northern portion of the dwelling, elevated on piles. A sewer pump pit is located immediately southeast of the dwelling and the sewer line extends southeasterly through upland areas dominated by invasive bush honeysuckle (*Lonicera* spp.). A vegetated slope (Coastal Bank, see below) is present immediately southwest of the dwelling.

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0089G), developed portions of the property are located within Flood



Zone AE (El 8). Portions of the Salt Marsh are located within Zone VE (El 9).

The northern portion of the property, nearly contiguous with the Salt Marsh boundary, is located within a Priority Habitat of Rare Species according to the 13<sup>th</sup> edition of the Massachusetts *Natural Heritage Atlas* (effective October 1, 2008) published by the Natural Heritage & Endangered Species Program (NHESP). Excluding the dock, existing developed portions of the site are not mapped as Priority Habitat.

### **Wetland Resource Areas**

Wetland Resource Areas located on-site include Salt Marsh, Coastal Bank, and Land Subject to Coastal Storm Flowage (LSCSF). While no *Bylaw*-protected Riverfront Area exists on island, there is no WPA-protected Riverfront Area associated with “The Creeks”. A brief description of each Wetland Resource Area is provided below.

#### *Salt Marsh*

As defined under 310 CMR 10.32(2), *Salt Marsh means a coastal wetland that extends landward up to the highest high tide line, that is, the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in, saline soils. Dominant plants within salt marshes typically include salt meadow cord grass (Spartina patens) and/or salt marsh cord grass (Spartina alterniflora), but may also include, without limitation, spike grass (Distichlis spicata), high-tide bush (Iva frutescens), black grass (Juncus gerardii), and common reedgrass (Phragmites). A salt marsh may contain tidal creeks, ditches and pools.*

The Salt Marsh boundary is demarcated with sequentially numbered blaze orange surveyor’s tape with the words “LEC Resource Area Boundary” embossed in bold, black print, #'s 1-17. The boundary represents a typical transitional upper Salt Marsh with *S. patens* dominating downgradient portions of the Salt Marsh and *S. alterniflora* prevalent along edges of the tidal creeks. Wrack deposits also occur downgradient of the boundary. High-tide bush, groundsel tree (*Baccharis halimifolia*), seaside goldenrod (*Solidago sempervirens*), black grass, and three-square rush (*Schoenoplectus* spp.) are common along the Salt Marsh boundary with *Phragmites* dominating the upper Salt Marsh southeast of the dwelling.

The demarcated Salt Marsh boundary appears to be coincident with the expected highest spring tide based on Nantucket Harbor tidal datum.

#### *Coastal Bank*

Coastal Bank is defined at (310 CMR 10.30 (2)) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, land subject to tidal action, or other wetland.*

Coastal Bank is defined in the *Bylaw* (Section 1.02) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, Coastal Dune, land subject to tidal action or coastal storm flowage, or other coastal wetland. Any minor discontinuity of the slope notwithstanding, the top of the bank shall be the first significant break in slope as defined by site specific topographic plan information, site inspection, wetland habitat evaluation, geologic origin, and/or relationship to coastal storm flowage. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, stone, or sand. A bank may be created by man and/or made of man-made materials. A bank may or may not contribute sediment to coastal dunes, beaches and/or to the littoral drift system. A bank may be significant as a major source of sediment, as a vertical buffer, for wildlife habitat and for wetland scenic views.*

Flood Zone AE (EI 8) extends across developed portions of the property and intercepts the slope south of the dwelling, which is therefore considered to be Coastal Bank by definition. Portions of the slope appear to be greater than 4:1, while others are greater than 10:1 but less than 4:1. Per DEP's *Wetlands Program Policy 92-1: Coastal Banks*, the top of the Coastal Bank is:

*B) For a coastal bank with a slope greater than or equal to 4:1 the "top of coastal bank" is that point above the 100-year flood elevation where the slope becomes less than 4:1. (see [Figure 2](#)).*

*C) For a coastal bank with a slope greater than or equal to 10:1 but less than 4:1, the top of coastal bank is the 100-year flood elevation. (see [Figure 3](#)).*

The top of the Coastal Bank appears to be nearly coincident with the southwesterly property boundary, tapering to the northwest as topography flattens within lawn areas on the Our Island Home property.

The on-site Coastal Bank is stable and well-vegetated by black cherry (*Prunus serotina*) and eastern red cedar (*Juniperus virginiana*) saplings, bush honeysuckle and privet (*Ligustrum* spp.) shrubs, and fox grape (*Vitis labrusca*) and Asiatic bittersweet (*Celastrus orbiculata*) vine entanglements.

#### Land Subject to Coastal Storm Flowage

LSCSF is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.*

Flood Zone VE (EI 9) extends nearly coincident with the Salt Marsh boundary, while Flood Zone AE (EI 8) extends across the remaining majority of the subject parcel, intercepting the Coastal Bank.

#### **Summary**

Wetland Resource Areas located on-site include Land Subject to Coastal Storm Flowage (LSCSF), Coastal Bank, and Salt Marsh as defined by flag #'s 1-17. These Wetland Resource Areas and their



associated 100-foot Buffer Zones are subject to protection 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*.

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

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink that reads "Brian T. Madden". The signature is written in a cursive style.

Brian T. Madden  
Wildlife Scientist

**19 East Creek Road, Nantucket, MA**  
**Applicant: Gregory Reyes, c/o Steven Cohen**



Front of existing dwelling



View of existing dwelling



Side view of existing dwelling



Rear view of existing dwelling



View of existing dock

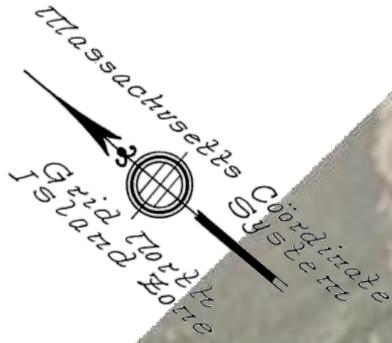


View of existing dock

**APPENDIX G**

“Site Plan to Accompany a Notice of Intent #19 East Creek Road”  
Prepared by Nantucket Surveyors LLC  
Dated: September 30, 2016

CURRENT ZONING: LUG-1  
 MINIMUM LOT SIZE: 40,000 S.F.  
 MINIMUM FRONTAGE: 100'  
 FRONTYARD SETBACK: 35'  
 SIDE AND REAR SETBACK: 10'  
 ALLOWABLE G.C.R.: 7%  
 EXISTING G.C.R.: 4%±



**NOTES:**

- SEE COMMONWEALTH OF MASSACHUSETTS WETLAND RESTRICTIONS LC DOC.#25766 WETLAND#260R
- COASTAL RESOURCE AREAS
  - LAND SUBJECT TO COASTAL STORM FLOWAGE
  - COASTAL BANK
  - SALT MARSH
  - NHESP PRIORITY HABITAT OF RARE SPECIES
  - FLOOD HAZARD ZONES VE. 9 & AE 8 (1988 DATUM)
- DEP ZONE II (WELLHEAD PROTECTION DISTRICT)
- FIRST FLOOR EL. 9.7±(1988 DATUM)  
 ZONE VE EL.9, ZONE AE EL. 8

WETLAND LINE AS FLAGGED BY LEC ENVIRONMENTAL CONSULTANTS, INC.

UTILITY EASEMENT SEE L.C. DOC#24618

AREA = 38,586± S.F.  
 (OR 0.89± ACRE)

PILE SUPPORTED PIER SEE LICENSE AND PLAN LC DOC# 50163 LICENSE PLAN NO. 2324

EXISTING DWELLING ON PILE FOUNDATION G.C.1600±S.F. C.O. 2183-83

SEE VARIANCE (SIDELINE SETBACK 8.9' WITH CONDITIONS) L.C. DOC#43031

(Public) (Var. Width) (Marsh Section) SPRUCE STREET

Public Way To Orange Street

John R. & Ruth H. L.C. No. 18645A, Cert. No. 28603

SITE PLAN TO ACCOMPANY A NOTICE OF INTENT #19 EAST CREEK ROAD IN NANTUCKET, MASSACHUSETTS SCALE: 1"=20' DATE: 9/30/16

DEED REFERENCE: LCC 13552  
 PLAN REFERENCE: LCP 37342-A  
 ASSESSOR'S REFERENCE: MAP: 55 PARCEL: 60  
 PREPARED FOR: GREG REYES C/O STEVEN COHEN, ESQ.  
 NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

Note:  
 Elevations refer to Half Tide Level, U.S.C. & G.S., 1934 Base.

Bench Marks:  
 B.M.#1 Northwest corner of Concrete Bound at Southwest corner of locus - Elev -4.96ft.  
 B.M.#2 U.S. Station 31D at intersection of Orange St. & Milestone Road - Elev -22.13ft.

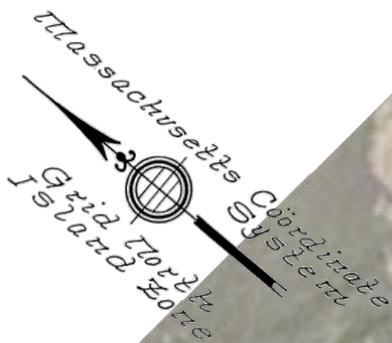
Legend:  
 ■ --- Denotes a concrete bound with a drill hole (found) (unless otherwise noted)

Topographical Plan of Land in NANTUCKET, MASS. Scale: 1"=20' November 8, 1971. Schofield Brothers, Inc., Professional Engineers & Reg. Land Surveyors. 18B Federal Street, Nantucket, Mass. Offices in Framingham, Milford & Nantucket. Property of Susan G. Cashman



Research by: J.J.S. Drafted by: J.A.M.  
 Field Chief: M.S.B. Checked by: J.J.S.  
 Topographer: M.S.B. Approved by: J.T.S.  
 Computed by: J.J.S. RLS, P.E.

CURRENT ZONING: LUG-1  
 MINIMUM LOT SIZE: 40,000 S.F.  
 MINIMUM FRONTAGE: 100'  
 FRONTYARD SETBACK: 35'  
 SIDE AND REAR SETBACK: 10'  
 ALLOWABLE G.C.R.: 7%  
 EXISTING G.C.R.: 4%±



**NOTES:**

1. SEE COMMONWEALTH OF MASSACHUSETTS WETLAND RESTRICTIONS LC DOC.#25766 WETLAND#260R
2. COASTAL RESOURCE AREAS
  - a. LAND SUBJECT TO COASTAL STORM FLOWAGE
  - b. COASTAL BANK
  - c. SALT MARSH
  - d. NHESP PRIORITY HABITAT OF RARE SPECIES
  - e. FLOOD HAZARD ZONES VE. 9 & AE 8 (1988 DATUM)
3. DEP ZONE II (WELLHEAD PROTECTION DISTRICT)
4. FIRST FLOOR EL. 9.7±(1988 DATUM)  
 ZONE VE EL.9, ZONE AE EL. 8

WETLAND LINE AS FLAGGED BY LEC ENVIRONMENTAL CONSULTANTS, INC.

PROPOSED BUILDING ENVELOPE

UTILITY EASEMENT SEE L.C. DOC#24618

AREA = 38,586± S.F.  
 (OR 0.89± ACRE)

PILE SUPPORTED PIER SEE LICENSE AND PLAN LC DOC# 50163 LICENSE PLAN NO. 2324

EXISTING DWELLING ON PILE FOUNDATION G.C.1600±S.F. C.O. 2183-83

FF.EL.11.07  
 SEE NOTE 4

SEWER PUMP PIT

SEE VARIANCE (SIDELINE SETBACK 8.9' WITH CONDITIONS) L.C. DOC#43031

Note:

Elevations refer to Half Tide Level, U.S.C. & G.S., 1934 Base.

Bench Marks:

- B.M.#1 Northwest corner of Concrete Bound at Southwest corner of lot - Elev. 4.96ft.
- B.M.#2 U.S.S. Station 31D at intersection of Orange St. & Milestone Road - Elev. 22.13ft.

Legend:

■ Denotes a concrete bound with a drill hole (found) (unless otherwise noted)

Topographical Plan of Land in  
**NANTUCKET, MASS.**  
 Scale: 1" = 20' November 8, 1971.  
 Schofield Brothers, Inc., Professional Engineers & Reg. Land Surveyors.  
 188 Federal Street, Nantucket, Mass.  
 Offices in Framingham, Milford & Nantucket.  
 Property of Susan G. Cashman



Research by: J.J.S. Drafted by: J.A.M.  
 Field Chief: M.S.B. Checked by: J.J.S.  
 Topographer: M.S.B. Approved by: J.T.S.  
 Computed by: J.J.S. RLS, P.E.

SITE PLAN TO ACCOMPANY  
 A NOTICE OF INTENT  
 #19 EAST CREEK ROAD  
 IN  
 NANTUCKET, MASSACHUSETTS  
 SCALE: 1"=20' DATE: 9/30/16

DEED REFERENCE: LCC 13552  
 PLAN REFERENCE: LCP 37342-A

ASSESSOR'S REFERENCE:  
 MAP: 55 PARCEL: 60

PREPARED FOR:  
 GREG REYES C/O STEVEN COHEN, ESQ.  
 NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

N-10797



# Notice of Intent Report

---

October 14, 2016

Subject Property

37 Gardner Road  
Assessor's Map 43, Parcel 85  
Nantucket, Massachusetts

Applicant

Coleman P. Burke  
224 12<sup>th</sup> Avenue, 7<sup>th</sup> Floor  
New York, NY 10001

**LEC Environmental Consultants, Inc.**

12 Resnik Road, Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 fax

[www.lecenvironmental.com](http://www.lecenvironmental.com)



October 14, 2016

**Federal Express**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Notice of Intent Report  
37 Gardner Road  
Assessor's Map 43, Parcel 85  
Nantucket, Massachusetts**

[LEC File #: BurC\08-346.01]

Dear Members of the Commission:

On behalf of the Applicant, Coleman P. Burke, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application to construct biodegradable shore protection measures along the Coastal Bank on the above-referenced property. The purpose of this report is to include a general site description, Wetland Resource Area Analysis, a description of proposed activities, proposed mitigation measures, and regulatory compliance. The proposed measures will occur within a resource area protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations (Bylaw)*. Details of the proposed project are depicted on the *Site Plan to Accompany a Notice of Intent* prepared by Nantucket Engineering & Survey, PC., dated October 14, 2016.

Enclosed please find three checks made payable to the Town of Nantucket: Seven Hundred, Seventy-Eight Dollars and Fifty Cents (\$778.50) for the town portion of the WPA filing fee; Two Hundred Dollars (\$200.00) for the Town Consultant fee; and Twenty-Five Dollars (\$25.00) for the *Bylaw* fee. A check made payable to the *Inquirer and Mirror* (\$266.90) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee (\$753.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the November 2, 2016 Public Hearing to discuss the project further. Should you have any questions or require additional information, please do not hesitate to contact me ([shumphries@lecenvironmental.com](mailto:shumphries@lecenvironmental.com)) at 508-746-9491.

Sincerely,

**LEC Environmental Consultants, Inc.**

Stanley M. Humphries  
Senior Coastal Geologist

cc: C. P. Burke, Arthur Gasbarro, Seth Wilkinson, DEP SERO

**LEC Environmental Consultants, Inc.**

[www.lecenvironmental.com](http://www.lecenvironmental.com)

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

**PLYMOUTH, MA**

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

**WAKEFIELD, MA**

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

**WORCESTER, MA**

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

**RINDGE, NH**

- i. WPA Form 3 – Notice of Intent
- ii. Copy of Filing Fees
- iii. Affidavit of Service
- iv. Letter to Abutters
- v. Abutter Notification Form
- vi. Certified List of Abutters

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**Wetland Resource Area Analysis and Report**

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**Literature Referenced**

**Appendices**

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**Appendix A**

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: NHESP Map

Figure 3: FEMA Flood Insurance Rate Map

**Appendix B**

*Site Plan to Accompany a Notice of Intent*, prepared by Nantucket Engineering & Survey, PC, dated October 14, 2016.

**Attachments**

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*Work Protocols for Fiber Roll Installation*, dated October 14, 2016, prepared by Wilkinson Ecological Design

*Planting Specifications*, dated October 14, 2016, prepared by Wilkinson Ecological Design



# WPA Form 3 – Notice of Intent

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

## A. General Information

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

<u>37 Gardner Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41°17'18.47" N</u>	<u>70°04'23.16"W</u>	
d. Latitude	e. Longitude	
<u>Map 43</u>	<u>85</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Coleman P.</u>	<u>Burke</u>	
a. First Name	b. Last Name	
c. Organization		
<u>224 12th Ave., 7th Floor</u>		
d. Street Address		
<u>New York</u>	<u>NY</u>	<u>10001</u>
e. City/Town	f. State	g. Zip Code
<u>212-696-8090</u>	<u>cpb@wfny.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

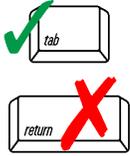
4. Representative (if any):

<u>Stanley M.</u>	<u>Humphries</u>	
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>12 Resnik Road, Suite 1</u>		
d. Street Address		
<u>Plymouth</u>	<u>MA</u>	<u>02360</u>
e. City/Town	f. State	g. Zip Code
<u>508-746-9491</u>	<u>508-746-9492</u>	<u>shumphries@lecenvironmental.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,532.00</u>	<u>\$753.50</u>	<u>\$778.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid

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



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw

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**1. Introduction**

On behalf of the Applicant, Coleman P. Burke, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Report to construct biodegradable shore protection measures along the Coastal Bank at 37 Gardner Road fronting on Nantucket Harbor near Pimny's Point. The protection measures will be placed along the face of the Coastal Bank and within Land Subject to Coastal Storm Flowage, coastal resource areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40, WPA), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations (Bylaw)*. Details of the proposed project are depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Nantucket Engineering & Survey, PC, dated October 14, 2016.

The following NOI Report provides a description of the existing site conditions and proposed work activities designed to protect the interests and values of the Wetland Resource Areas enumerated within the above-referenced statutes.

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**2. General Site Description**

The 10.66± acre site is located southwest of Pimny's Point on Nantucket Harbor. The property is accessed via the last driveway prior to the end of Gardner Road at the Point. An extensive Salt Marsh system exists south/southeast of the driveway. Additional residential properties exist to the southwest and one dwelling is located on Pimny's Point.

The site is improved by a single-family dwelling and garage located greater than 50 feet landward of a Coastal Bank. A set of beach stairs is located in the southwest portion of the property approximately 50 feet north of an existing bulkhead which extends from the neighbor's property. Buried sand-filled geotextile bags protect the adjacent Coastal Bank. Native salt tolerant shrubs, a small grassed lawn and some ornamental shrubs surround the developed portion of the property. The topography slopes gently from elevation 9 along the north or harbor side of the property down to elevation 7 along the south or marsh side where Gardner Road passes through the property. The upland portion of the property lies upon Nantucket moraine deposits and the soils are Evesboro sand. The narrow strip of land is not a barrier beach deposit. Three long, narrow strips

of Coastal Beach, Salt Marsh, and Coastal Bank separate the developed portion of the property from the Harbor.

## 2.1 **Floodplain Designation**

According to the June 9, 2014, Federal Emergency Management Agency *Flood Insurance Rate Maps* for the Town of Nantucket (*Community Panel 25019C0087G*), the majority of the developed site is located within Zone X, *Areas determined to be outside 500-year floodplain*. Areas along the harbor and marsh sides of the property are located within Zone AE (Elevation 9), *Special Flood Hazard Areas inundated by 100-year flood, base flood elevations determined*.

## 2.2 **Natural Heritage and Endangered Species Program Designation**

According to the 13<sup>th</sup> edition of the Massachusetts *Natural Heritage Atlas* (effective October 1, 2008) published by the Natural Heritage & Endangered Species Program (NHESP), the southwestern portion of the proposed project is not located within an Estimated Habitat of Rare Wildlife. However, the northeastern portion of the project does occur within a Priority Habitat of Rare Species and consequently requires NHESP review under the *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00).

A prior NOI for 1 Pimny's Point and 37 Gardner Road (NHESP Tracking No. 10-28012) was previously sent to NHESP for "repair and maintenance of a slope seaward of existing driveway". In their April 12, 2010 letter, NHESP stated that the project ***will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and will not result in a prohibited "take" of state-listed rare species.***

In order to maintain consistency, LEC is forwarding a copy of the NOI to NHESP to confirm the "no adverse affect" and "no take" determinations for this project.

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## 3. **Wetland Resource Areas**

There are several Wetland Resource Areas that occur within or adjacent to the proposed work area, including Salt Marsh, Coastal Beach, Coastal Bank, and Land Subject to Coastal Storm Flowage as described below.

### 3.1 **Salt Marsh**

According to 310 CMR 10.32 (2), *Salt Marsh means a coastal wetland that extends landward up the highest high tide line, that is, the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in, saline soils. Dominant plants within salt marsh are salt meadow cord grass (Spartina patens) and/or salt marsh cord grass (Spartina alterniflora). A salt marsh may contain tidal creeks, ditches and pools.*

A long, narrow (less than 15' wide) strip of high Salt Marsh is located between a Coastal Beach and a Coastal Bank as shown on the plan. The Salt Marsh vegetation is primarily salt-meadow cord grass (*Spartina patens*) that is bordered by beach grass (*Ammophila brevigulata*) on the upland side.

### 3.2 **Coastal Beach**

Coastal Beach and Tidal Flat are defined at 310 CMR 10.27(2) as *unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.*

*Tidal Flat means any nearly level part of a coastal beach which usually extends from the mean low water line landward to the more steeply sloping face of the coastal beach or which may be separated from the beach by land under the ocean.*

Coastal Beach extends landward from Mean Low Water (MLW) of the Harbor to the Salt Marsh and is less than 100 feet wide. The sediments range from fine sand to small gravel in size.

The Massachusetts Coastal Zone Management (MCZM) shoreline change data indicate this area has a long-term erosion rate of approximately 0.72 feet per year (1887–2009) and a short-term rate of 1.84 feet per year (1994 – 2009).

### 3.3 **Coastal Bank**

Coastal Bank is defined at (310 CMR 10.30 (2)) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, land subject to tidal action, or other wetland.*

Coastal Bank is defined in the *Bylaw* (Section 1.02) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, Coastal Dune, land subject to tidal action or coastal storm flowage, or other coastal wetland. Any minor discontinuity of the slope notwithstanding, the top of the bank shall be the first significant break in slope as defined by site specific topographic plan information, site inspection, wetland habitat evaluation, geologic origin, and/or relationship to coastal storm flowage. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, stone, or sand. A bank may be created by man and/or made of man-made materials. A bank may or may not contribute sediment to coastal dunes, beaches and/or to the littoral drift system. A bank may be significant as a major source of sediment, as a vertical buffer, for wildlife habitat and for wetland scenic views.*

The Coastal Bank is approximately 4-10 feet in height across the property and parallel to Nantucket Harbor. Shallow water waves, less than 2-feet high, and ice rafting have undercut the toe of the bank resulting in lost vegetation. The bank located north of the beach stairs is naturally vegetated with salt-spray rose (*Rosa rugosa*), northern bayberry (*Myrica pensylvanica*), and beach plum (*Prunus maritima*) with some groundsel tree (*Baccharis halimifolia*) and bush honeysuckle (*Lonicera* sp.). The exposed soil consists of loamy sand and gravel. This section of the bank may contribute sediment to the adjacent Salt Marsh but does not contribute sediment directly to the Coastal Beach. Therefore, this section of the bank is significant as a vertical buffer, for wildlife habitat and for wetland scenic views.

However, the section of bank located south of the beach stairs is a more actively eroding area adjacent to a bulkhead, is protected by buried sand-filled geotextile bags and has been maintained with cover sediment and native vegetation planted every one to two years. Since this section of bank abuts a Coastal Beach, it does contribute sediment as well as providing a vertical buffer to storm waters. This section of the bank is also significant for wildlife habitat and wetland scenic views.

### 3.4 **Land Subject to Coastal Storm Flowage**

LSCSF is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.*

According to the FEMA Flood Insurance Rate Map (FIRM), the site is located in a Zone AE (el. 9) and, therefore, is also defined as Land Subject to Coastal Storm Flowage (LSCSF). With this designation, wave heights are expected to be less than 3' during the 100-year storm. This area is not a high energy environment like that existing along the Atlantic Ocean or even Nantucket Sound.

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#### **4. Proposed Project**

Proposed work activities involve the construction of coconut fiber logs which are biodegradable (Woods Hole Sea Grant, 2011). The logs consist of entirely coconut fiber material and are not to be confused with sand-filled coir envelopes or tubes. The logs are 20 inches in diameter and up to seven rows of the logs are proposed to be anchored with duck-bills every 2.5 feet. They will extend from the bulkhead eastward to the end of the property for a distance of approximately 383 feet. The buried sand-filled geotextile bags that underlie the Coastal Bank south of the stairs will be removed from the site and replaced with the fiber log array.

Construction access is proposed through an existing, unvegetated beach access at the northeastern portion of the property and from the beach stairs located at the southwestern portion of the property. Temporary plywood sheets will be placed along the landward side of the Salt Marsh to protect it from the small machinery that may be used to deliver the materials to the site. Wilkinson Ecological Design (WED) has proposed *Work Protocols for Fiber Roll Installation* and *Planting Specifications*, both dated October 14, 2016 which describe, in detail, the project construction methodologies. If a contractor proposes any other alternative, the Applicant will confer with staff to determine the necessary approval process.

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#### **5. Performance Standards**

The following addresses pertinent Performance Standards for work on a Salt Marsh, Coastal Bank and Land Subject to Coastal Storm Flowage.

## 5.1 **Massachusetts Wetlands Protection Act Regulations**

### 5.1.1 *Salt Marsh*

As stated in 310 CMR 10.32(2), *When a Salt Marsh is determined to be significant to the protection of marine fisheries, the prevention of pollution, storm damage prevention or groundwater supply, 310 CMR 10.32 (3) through (6) shall apply:*

Standard 10.32 (3) states that *A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects on productivity. This section shall not be construed to prohibit the harvesting of salt hay.* Temporary sheets of plywood will be used so not to allow the machinery or workers traversing the area to destroy any portion of the salt marsh, alter the growth, distribution and composition of the vegetation. The logs can be expected to biodegrade over 15-20 years and have a negligible long-term impact on the marsh.

Standards 10.32 (4) and (5) are not applicable since the project does not involve any *small project* and is not one that will *restore or rehabilitate or create* a salt marsh located on the tidal flat part of the beach.

Standard 10.32 (6) states that *notwithstanding the provisions of 310 CMR 10.32(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.* NHESP previously determined that a prior approved bank protection project on this and the adjacent lot would not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. While the same determination is anticipated for this filing, a copy of the NOI was submitted to NHESP.

### 5.1.2 *Coastal Bank*

The section of Coastal Bank that borders on a Salt Marsh is approximately 333 feet in length and the section of bank that borders on a Coastal Beach is approximately 50 feet in length. As stated in 310 CMR 10.30(2), when a coastal bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches, 310 CMR 10.30(3) through (5) shall apply and when a coastal bank is determined to be significant to storm damage

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prevention or flood control because it is a vertical buffer to storm waters, 310 CMR 10.30(6) through (8) shall apply.

Standards 10.30 (3) and (5) are not applicable since the project does not involve a coastal engineering structure and there is no opportunity to construct a new building within 100 feet landward of the top of a coastal bank.

As stated in 310 CMR 10.30(4), *Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.* Sand nourishment will be provided as cover material for the section of fiber logs that will be installed at the west end of the property so that sediment will continue to be provided to the Coastal Beach. The long-term erosion rate is 0.72 ft./yr.; the length of the fiber log installation is 50 feet; and, the bank height is 10 feet; therefore, a nourishment volume of 13 cubic yards is proposed once a year.

According to 310 CMR 10.30 (6), *Any project on a coastal bank or within 100 feet landward of the top of a coastal bank shall have no adverse effects on the stability of the coastal bank.* The existing sand-filled geotextile bags will be removed and use of anchored coconut fiber logs will improve the long-term stability of the bank. As noted above, WED has prescribed *Work Protocols for Fiber Roll Installation*, dated October 14, 2016 that address both the stability of the bank during and after construction. WED also proposes *Planting Specifications*, dated October 14, 2016 that addresses vegetation and protection of the root systems, resulting in improved stability of the bank.

Standard 10.30 (7) is not applicable since the project does not involve a *coastal engineering structure*.

According to 310 CMR 10.30 (8), *notwithstanding the provisions of 310 CMR 10.30 (3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.* NHESP previously determined that a prior approved bank protection project on this and the adjacent lot would not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. While the same determination is anticipated for this filing, a copy of the NOI was submitted to NHESP.

## 5.2 Nantucket Wetlands Protection Regulations

### 5.2.1 *Salt Marsh*

As listed in Section 2.06B, there are eight regulations. The proposed project type is not listed or addressed in Section 2.06B (1, 2, and 5-8), so these performance standards do not apply. However, the standards listed in Section 2.06B (3 and 4) do apply.

According to Section 2.01B(3), *no proposed project in a salt marsh, or within the lands within 100 feet of a salt marsh, shall destroy any portion of the salt marsh, change species composition of the marsh, have any adverse effect on salt marsh productivity, pollute the salt marsh, or adversely affect water supply.* Installation of the logs will occur within 100 feet of the salt marsh, but temporary sheets of plywood will be used to avoid the destruction of the marsh by equipment and the work crew. The logs can be expected to biodegrade over 15-20 years and have a negligible long-term impact on the marsh.

According to Section 2.06B (4), *all projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a salt marsh. All structures which are not water dependent shall be no closer than 50-feet from a salt marsh, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.* As a shore protection project that is required solely because of damages to the Coastal Bank caused by flooding, the project should be considered water dependent. Furthermore, coconut fiber logs are biodegradable and are not considered to be structures. It is our understanding that a waiver would not be required.

### 5.2.2 *Coastal Bank*

This project type is not listed or addressed in Section 2.05B (1, 2, 4 and 6-9), so these performance standards do not apply. However, the standards listed in Section 2.05B (3 and 5) do apply.

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

Coconut fiber logs are a new means of protecting the stability of a Coastal Bank. Soils

and vegetation landward of the logs will be protected from further undermining and instability. Newly planted vegetation will continue to grow and root into the logs below. As a result, wildlife habitat will be protected and there will not be a long-term impact on wetland scenic views.

According to Section 2.05B (5), *all projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be no closer than 50-feet from a coastal bank.* As a shore protection project that is required solely because of damages to the Coastal Bank caused by flooding, the project should be considered water dependent. Furthermore, coconut fiber logs are biodegradable and are not considered to be structures. It is our understanding that a waiver would not be required.

### 5.2.3 *Land Subject to Coastal Storm Flowage*

This project type is not listed or addressed in Section 2.10B (2 -5), so these performance standards do not apply. However, the standard listed in Section 2.10B (1) does apply.

The provisions of Section 2.10B (1) state *the work shall not reduce the ability of the land to absorb and contain flood waters, or to buffer inland areas from flooding and wave damage.* The project will increase or improve the ability of the Coastal Bank slope to absorb and contain coastal flood waters.

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## 6. **Summary**

On behalf of the Applicant, Coleman P. Burke, LEC Environmental Consultants, Inc., (LEC) is submitting this NOI Report to construct biodegradable shore protection measures along the Coastal Bank at 37 Gardner Road fronting on Nantucket Harbor near Pimny's Point. The protection measures will be placed on the face of the Coastal Bank and within Land Subject to Coastal Storm Flowage, coastal resource areas protected under the WPA and *Bylaw*. Details of the proposed project are depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Nantucket Engineering & Survey, PC, dated October 14, 2016. This project has been proposed to comply with the above-referenced statutes and regulations.

Federal Emergency Management Agency Flood Insurance Rate Maps, Town of Nantucket (Community Panel 25019C0087G), June 9, 2014.

Massachusetts Office of Coastal Zone Management (CZM) Shoreline Change Project, 2012.

Massachusetts Natural Heritage Atlas, 13<sup>th</sup> Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, [www.state.ma.us/dfwele/dfw/nhesp](http://www.state.ma.us/dfwele/dfw/nhesp).

*Massachusetts Wetlands Protection Act* (M.G.L. c. 131, §. 40) and its implementing *Regulations* (310 CMR 10.00), [www.state.ma.us/dep](http://www.state.ma.us/dep).

Oldale, Robert N., 1985. *Geologic Map of Nantucket and Nearby Islands, Massachusetts*, Map I-1580 Department of the Interior, U.S. Geological Survey.

Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Regulations*.

United States Department of Agriculture, Soil Conservation Service, in cooperation with Massachusetts Agricultural Experiment Station, Soil Survey for Nantucket County, Massachusetts, issued June 1979.

Woods Hole Sea Grant, 2011. Biodegradable Erosion Control *in Marine Extension Bulletin*. 4pp. [www.whoi.edu/seagrant](http://www.whoi.edu/seagrant)

# SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT

IN NANTUCKET MA.

PREPARED FOR:

**COLEMAN P. BURKE**

#37 GARDNER ROAD

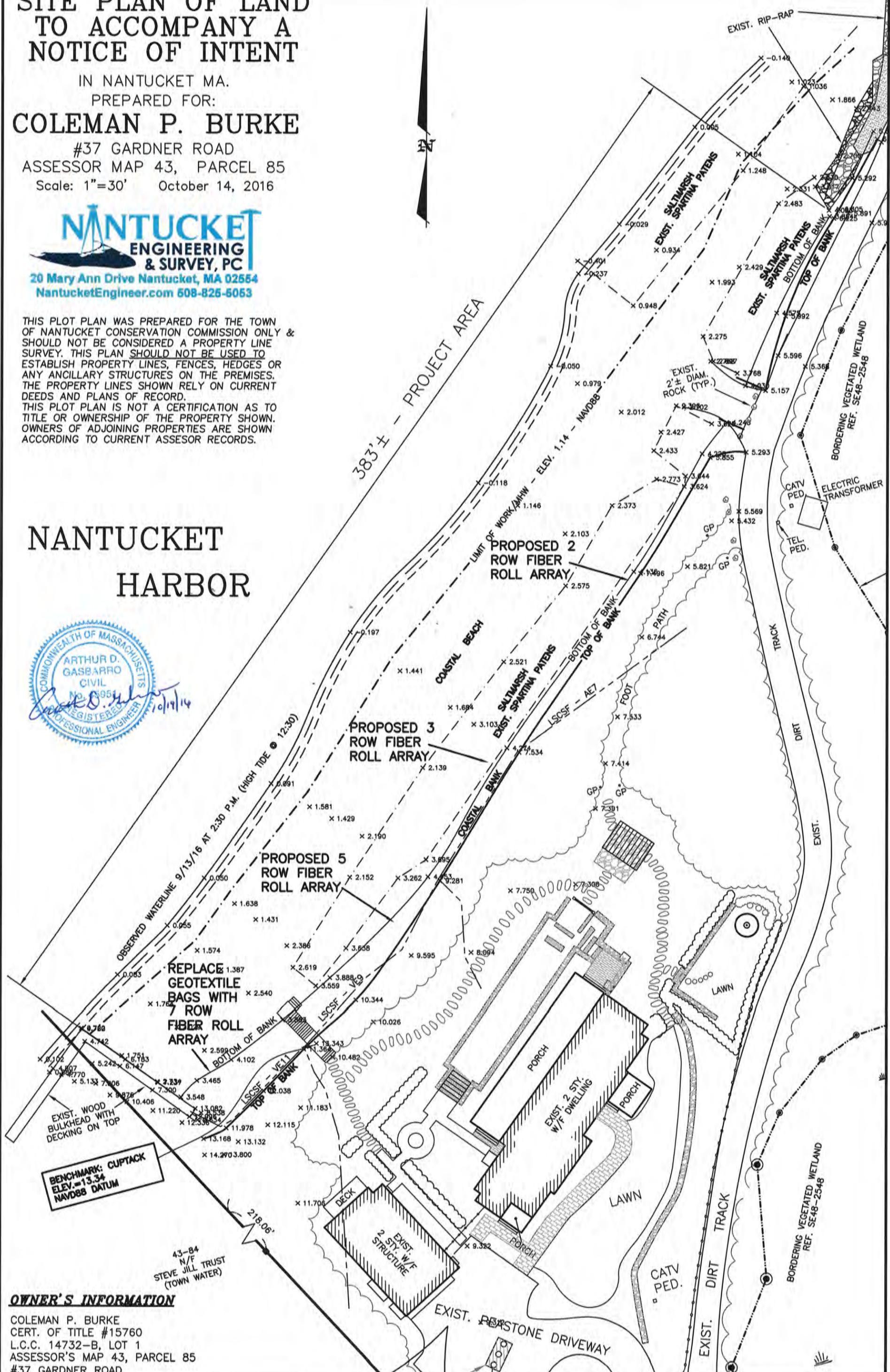
ASSESSOR MAP 43, PARCEL 85

Scale: 1"=30' October 14, 2016



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET CONSERVATION COMMISSION ONLY & 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.

## NANTUCKET HARBOR



**OWNER'S INFORMATION**

COLEMAN P. BURKE  
 CERT. OF TITLE #15760  
 L.C.C. 14732-B, LOT 1  
 ASSESSOR'S MAP 43, PARCEL 85  
 #37 GARDNER ROAD

# WILKINSON

## ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel:(508)255-1113 | Fax:(508)255-9477

## PLANTING SPECIFICATION

37 Gardner Road, Nantucket

October 14, 2016

### COASTAL BANK PLANTING FORBES AND GRASSES

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

### COASTAL BANK PLANTING SHRUBS

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

### WILKINSON SALT-TOLERANT NATIVE GRASS SEED MIXTURE

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



# WILKINSON

## ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel:(508)255-1113 | Fax:(508)255-9477

### WORK PROTOCOLS FOR FIBER ROLL INSTALLATION

37 Gardner Road, Nantucket

October 14, 2016

#### SCHEDULE AND ACCESS

Initial stabilization work will be conducted in the fall/winter of 2016. All equipment will access the beach through an existing entry point off Gardner Road as noted on the Site Plan by Nantucket Engineering dated October 14, 2016. During construction, all vegetation seaward of the proposed fiber roll array will be protected using AlturnaMats made of recycled HDPE material. A meiofauna study is proposed and will begin prior to the start of construction.

The proposed fiber roll array will consist of a tapered height design consisting of a seven-high array at the southern end near the residence, and will taper down to a two-high array at its northern terminus. Refer to the Site Plan for proposed sections. The lowest courses of fiber rolls are installed first, and construction continues up gradient to reach the proposed height in compliance with the Site Plan. Anchoring is installed as the array is constructed using Size DB88 Duckbill Anchors (or comparable equivalent). All low-density fiber rolls will be pre-vegetated with American beach grass and other native plant species at twelve inches on center. All fiber rolls will be identified with stainless steel tags noting the project address.

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

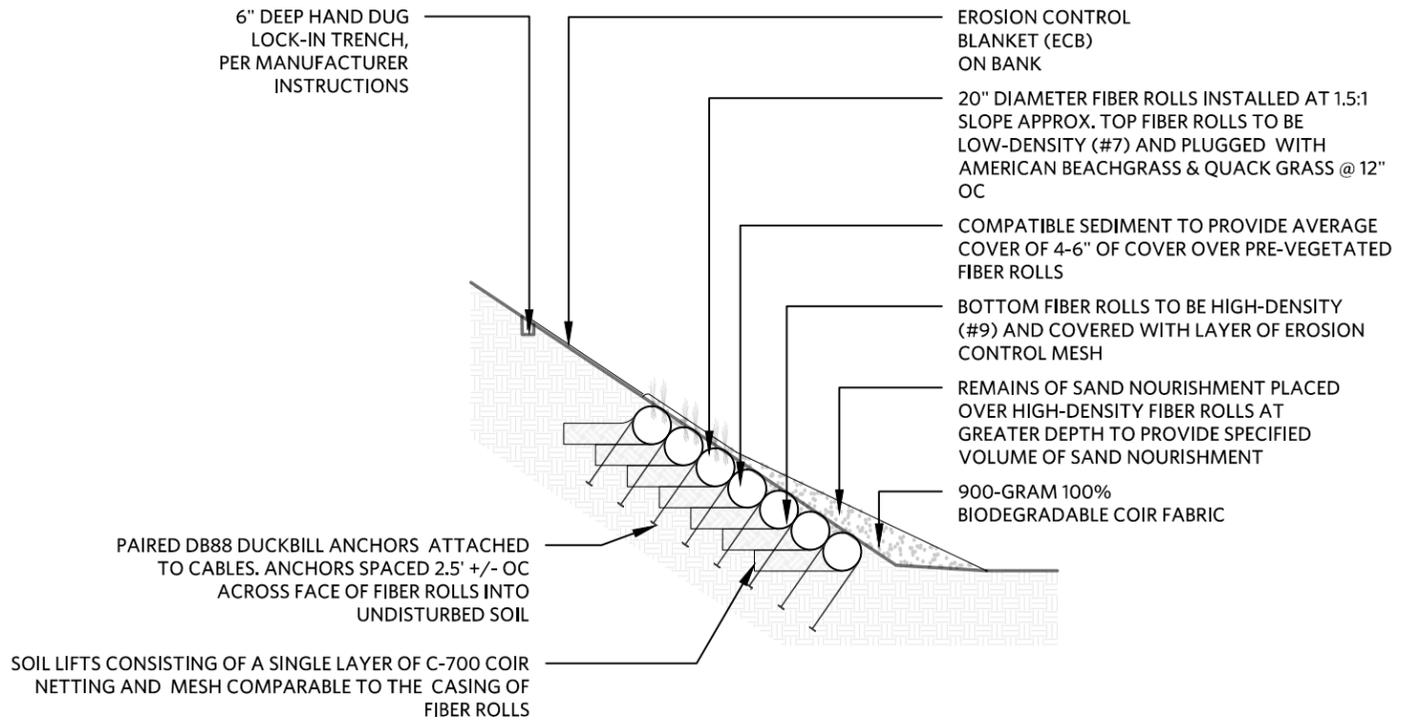
#### SEDIMENT NOURISHMENT

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

#### ONGOING MAINTENANCE

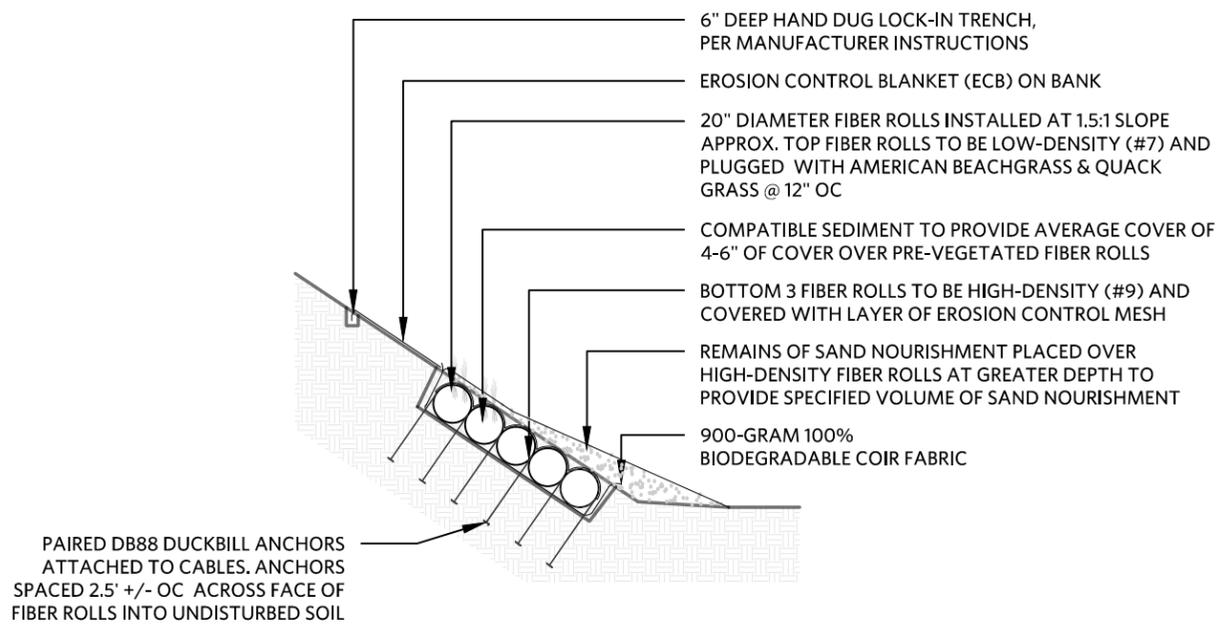
Maintenance of the fiber roll array and associated plants and bioengineering materials is critical for the long-term success of this erosion management strategy. On an annual basis, two primary activities are proposed. First, annual sand nourishment, an activity which is described above, should be conducted on a long-term basis in order to maintain compliance with the protected function of providing adjacent coastal resource areas with a sediment source. Secondly, in the winter months, it is anticipated that minor maintenance activities such as tightening anchor cables, repairing erosion control blankets, and repositioning fiber rolls may be necessary. Repairs following significant storms may also be necessary as an ongoing activity. Upon the necessity of any repairs or for regularly scheduled maintenance, the Conservation Commission shall be notified through its Conservation Administrator in advance of conducting any activities. The meiofauna study will be conducted annually for the first three years after construction.





1 FIBER ROLL REINFORCED LIFT SECTION SEVEN-HIGH, TYPICAL

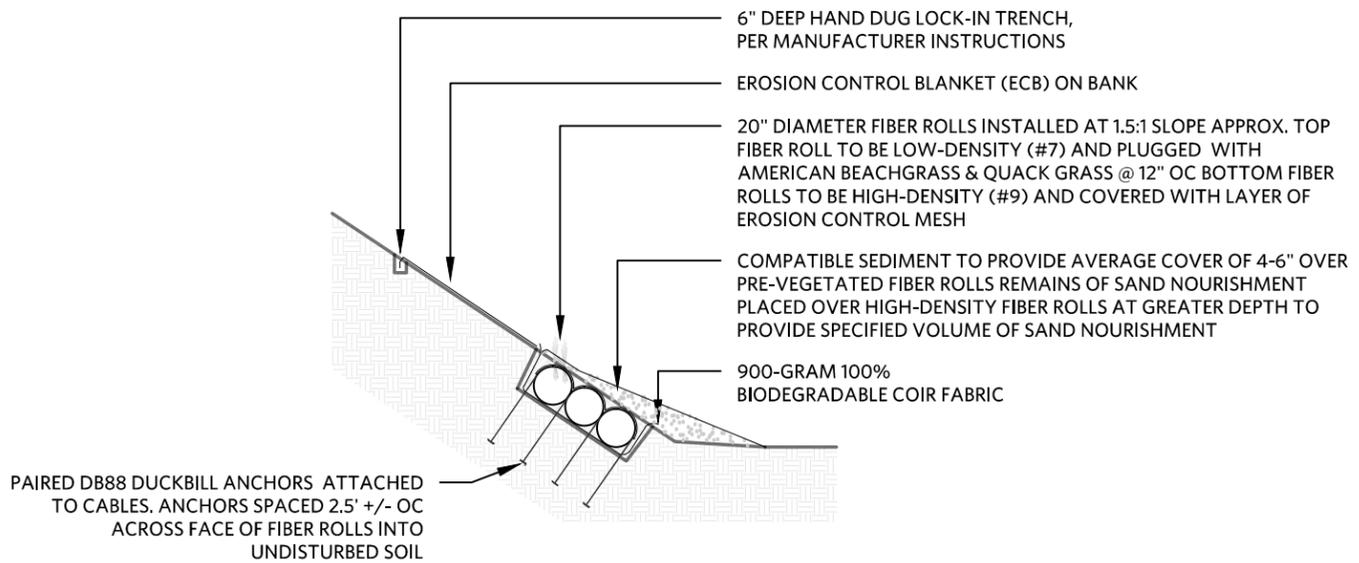
Scale: 1/8" = 1'



2 FIBER ROLL SECTION FIVE-HIGH, TYPICAL

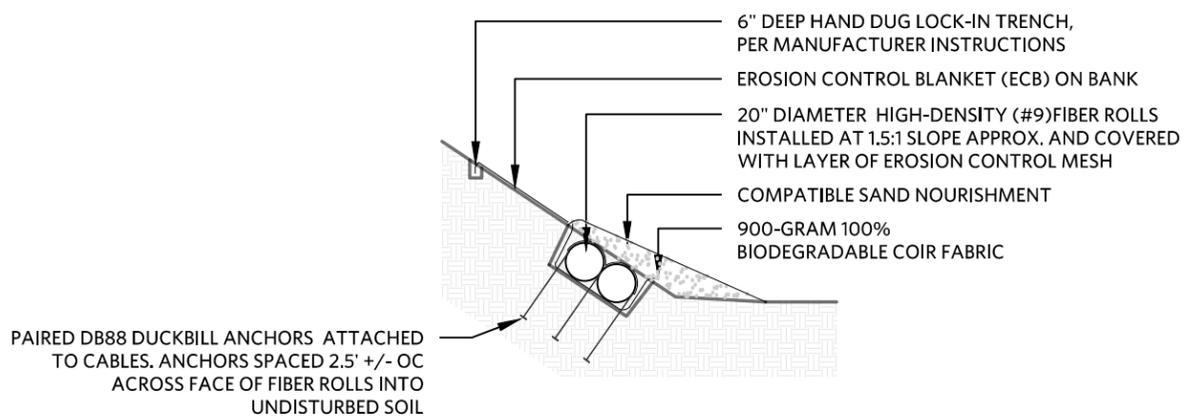
Scale: 1/8" = 1'

<p><b>WILKINSON</b> ECOLOGICAL DESIGN</p> <p>28 LOTS HOLLOW RD., ORLEANS, MA 02653 TEL: (508) 255-1113 FAX: (508) 255-9477 WWW.WILKINSONECOLOGICAL.COM</p>	<p>LEGEND:</p>	<p>SURVEY PROVIDED BY:</p>	<p>NOTES:</p>	<p><b>BURKE</b> 37 GARDNER ROAD NANTUCKET</p>	
				<p>DATE: 10/14/2016</p>	<p>SCALE: 1/8" = 1'</p>
<p>THIS DRAWING AND ALL IDEAS EMBODIED THEREIN IS PROPRIETARY INFORMATION OF WILKINSON ECOLOGICAL DESIGN, INC. (WED) AND SHALL NOT BE COPIED, REPRODUCED, OR DISCLOSED IN CONNECTION WITH ANY WORK OTHER THAN THE PROJECT FOR WHICH IT HAS BEEN PREPARED. IN WHOLE OR PART, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM WED.</p> <p>© 2016 WILKINSON ECOLOGICAL DESIGN, INC.</p>				<p>DRAWN BY: JS</p>	<p>CHECKED BY: SW</p>
				<p>FOR PERMITTING PURPOSES ONLY THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION</p>	



**1** FIBER ROLL SECTION THREE-HIGH, TYPICAL

Scale: 1/8" = 1'



**2** FIBER ROLL SECTION TWO-HIGH, TYPICAL

Scale: 1/8" = 1'

**WILKINSON**  
ECOLOGICAL DESIGN

28 LOTS HOLLOW RD., ORLEANS, MA 02653  
TEL: (508) 255-1113 FAX: (508) 255-9477  
WWW.WILKINSONECOLOGICAL.COM

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LEGEND:

SURVEY PROVIDED BY:

NOTES:

REV	DATE	DESCRIPTION

**BURKE**

37 GARDNER ROAD  
NANTUCKET

DATE: 10/14/2016	SCALE: X/X" = X'-0"
DRAWN BY: JS	CHECKED BY: SW

FOR PERMITTING PURPOSES ONLY  
THIS DRAWING IS NOT INTENDED FOR  
CONSTRUCTION

**TYPICAL  
SECTIONS**

**1 OF 2**

# Notice of Intent Application

165 Wauwinet Road  
Map 7, Parcel 1.1  
Nantucket, MA

*October 28, 2016*



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

**Nantucket Office:**  
19 Old South Rd.  
Nantucket, MA 02554  
[www.brackeneng.com](http://www.brackeneng.com)  
Ph. 508-325-0044

## ***List of Materials and Plans submitted with Notice of Intent***

1. Notice of Intent – Form 3 and Fee Transmittal Form
2. Copy of Wetlands Restriction Order – July 1, 1982
3. Nantucket Aerial GIS Map
4. Nantucket Parcel GIS Map
5. U.S.G.S. Map
6. FEMA Flood Insurance Rate Map
7. NHESP Map
8. Site Photos
9. Affidavit of Service
10. Certified Abutters List
11. Notification to Abutters
12. Proof of Mailing
13. Copies of Checks
14. Plan: “*Environmental Submission for Nantucket, MA*”, prepared by Bracken Engineering, Inc., dated 10/26/16.



MassDEP File Number

WPA Form 3 - Notice of Intent

Document Transaction Number

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

Nantucket City/Town



A. General Information

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

165 Wauwinet Road Nantucket 02554
a. Street Address b. City/Town c. Zip Code
Latitude and Longitude: 41° 20' 16.2132" N 70° 0' 6.0768" W
d. Latitude e. Longitude
Map 7 Parcel 1.1
f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

c/o Emma Dee
a. First Name b. Last Name
Haulover, LLC
c. Organization
1010 Wisconsin Avenue, NW, Suite 550
d. Street Address
Washington DC 20007
e. City/Town f. State g. Zip Code
540-837-1021 emma@quercusllc.com
h. Phone Number i. Fax Number j. Email Address

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

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

4. Representative (if any):

Donald F. Bracken, Jr. P.E.
a. First Name b. Last Name
Bracken Engineering, Inc.
c. Company
19 Old South Road
d. Street Address
Nantucket MA 02554
e. City/Town f. State g. Zip Code
508-325-0044 508-833-2282 don@brackeneng.com
h. Phone Number i. Fax Number j. Email address

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

\$144.00 \$59.50 \$84.50
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



### WPA Form 3 – Notice of Intent

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MassDEP File Number

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#### A. General Information (continued)

6. General Project Description:

Extend the existing wooden boardwalk and add removable stairs. Work on a Coastal Bank, Coastal Beach, Coastal Dune and within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

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

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

- 1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket  
a. County

24394

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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



# WPA Form 3 – Notice of Intent

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

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Document Transaction Number \_\_\_\_\_

Nantucket

City/Town \_\_\_\_\_

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



# WPA Form 3 – Notice of Intent

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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Nantucket \_\_\_\_\_

City/Town \_\_\_\_\_

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	4 SF 1. square feet _____	2. cubic yards beach nourishment _____
e. <input checked="" type="checkbox"/> Coastal Dunes	112 SF 1. square feet _____	2. cubic yards dune nourishment _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input checked="" type="checkbox"/> Coastal Banks	7 LF 1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged _____	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	144 SF 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 \_\_\_\_\_



# WPA Form 3 – Notice of Intent

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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

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

- 1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

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

Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

October 1, 2008

b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review\*

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

(a) within wetland Resource Area 0.002%  
percentage/acreage

(b) outside Resource Area \_\_\_\_\_  
percentage/acreage

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

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

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

(b)  Photographs representative of the site

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

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



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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

(c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](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

(f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](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 \_\_\_\_\_

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

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

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

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

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

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

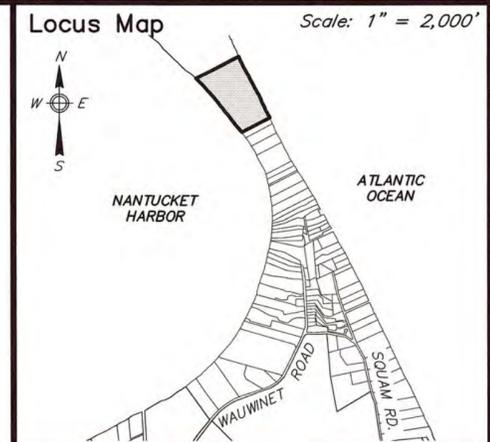
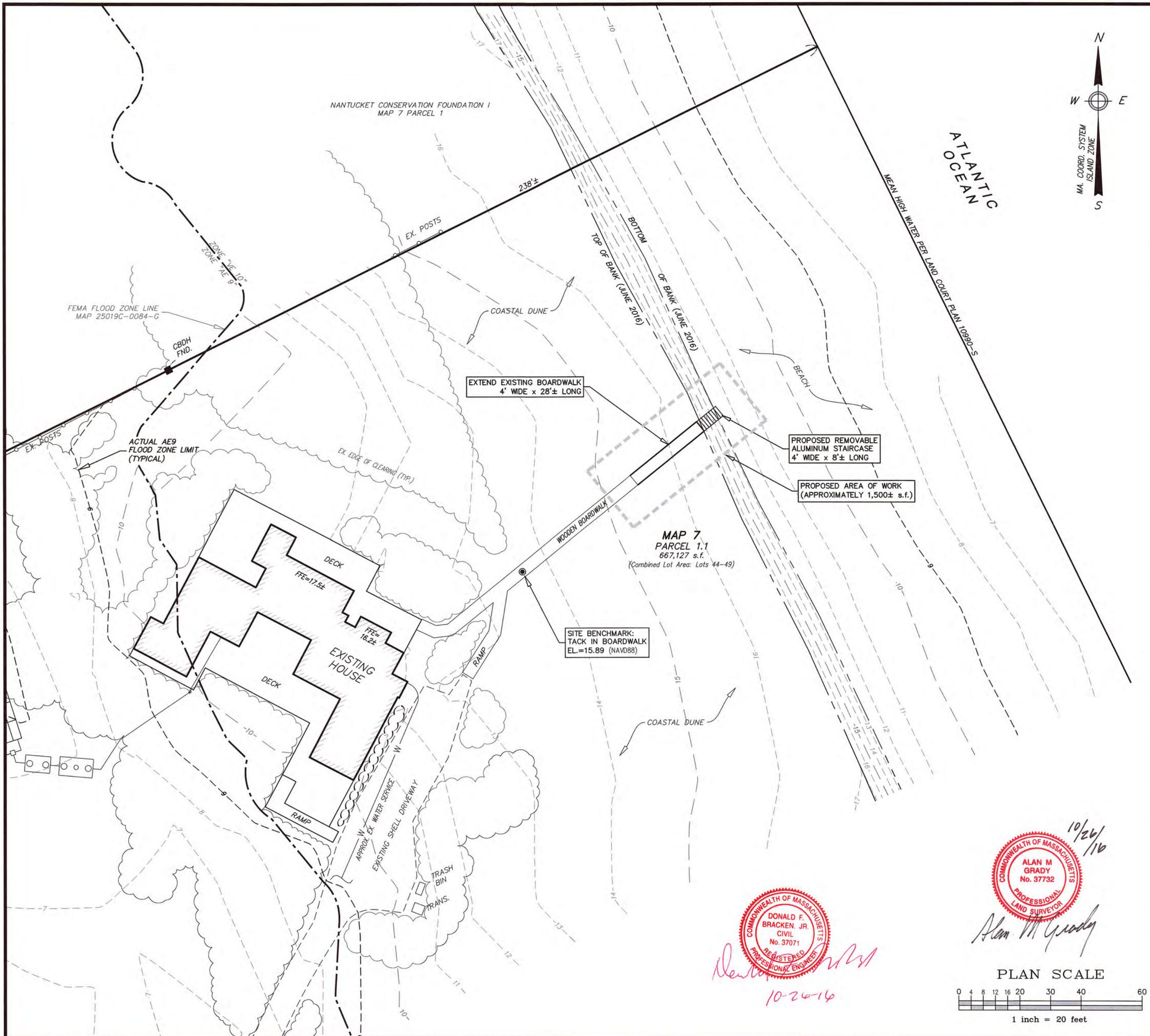
North Shore - Hull to New Hampshire border:

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

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

SITE PHOTOGRAPHS  
165 WAUWINET ROAD  
MAP 7, PARCEL 1.1





**Notes**

1. LOCUS: #165 WAUWINNET ROAD  
MAP 7 PARCEL 1.1
2. OWNER: HAULOVER LLC  
1010 WISCONSIN AVENUE NW  
WASHINGTON, DC 20007
3. DEED REF: CERT. #24394
4. PLAN REF: LC Plan #10990-S
5. LOCUS DOES FALL WITHIN THE VE(10), VE(9), AND AE(9) FLOOD HAZARD ZONES AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0084-G dated 06/09/2014.
6. 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.
7. REFER TO PREVIOUSLY APPROVED ORDER OF CONDITIONS MassDEP File #SE48-2907 FOR MORE INFORMATION.

**SUMMARY OF AREAS**

	AREA	AMOUNT
TOTAL SITE AREA:	667,127 s.f.	100%
TOTAL WORK AREA:	1,500 s.f.	0.2%

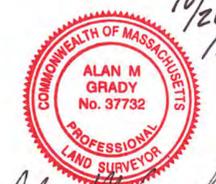
Prepared By:



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

**ENVIRONMENTAL SUBMISSION PLAN IN NANTUCKET, MASSACHUSETTS**

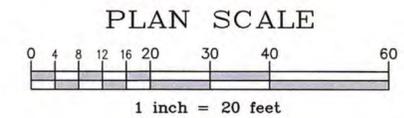
Prepared For:  
**HAULOVER LLC**  
#165 WAUWINNET ROAD  
MAP 7 PARCEL 1.1



*Alan M. Grady*



*Donald F. Bracken, Jr.*  
10-26-16



No.	Date	Revision Description	By

Date: OCTOBER 26, 2016 Drawn: RMM/ERC/BEI Checked: DFB/AMG Sheet: 1 of 1



**Notice of Intent**  
Map 29 Parcel 85  
62 Walsh Street  
Nantucket, Massachusetts

Prepared for: **Nantucket 62 Walsh, LLC**  
37 Centre Street  
Nantucket, MA 02554

Prepared by: **Nantucket Surveyors, LLC**  
5 Windy Way, PO Box 3627  
Nantucket, MA 02584

**October 28, 2016**



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

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

62 Walsh Street  
 a. Street Address

Nantucket  
 b. City/Town

MA  
 c. Zip Code

41.29191  
 d. Latitude

70.10251  
 e. Longitude

29  
 f. Assessors Map/Plat Number

85  
 g. Parcel /Lot Number

2. Applicant:

Nantucket 62 Walsh, LLC  
 c. Organization

37 Centre Street  
 d. Street Address

Nantucket  
 e. City/Town

MA  
 f. State

02554  
 g. Zip Code

(508) 228-0771  
 h. Phone Number

richard@gliddenandglidden.com  
 j. Email Address

b. Last Name

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):

Paul  
 a. First Name

Santos  
 b. Last Name

Nantucket Surveyors, LLC  
 c. Company

P.O. Box 3627  
 d. Street Address

Nantucket  
 e. City/Town

MA  
 f. State

02584  
 g. Zip Code

(508) 228-0240  
 h. Phone Number

(508) 228-9856  
 i. Fax Number

psantos@nantucketsurveyors.com  
 j. Email address

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

\$110.00  
 a. Total Fee Paid

\$67.50  
 b. State Fee Paid

\$42.50  
 c. City/Town Fee Paid



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

**A. General Information (continued)**

6. General Project Description:

This application is for the proposed construction of garage, relocated driveway and spa within Land Subject to Coastal Storm Flowage on the subject property.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

1553

c. Book

26175

b. Certificate # (if registered land)

67

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. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



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

Provided by MassDEP:

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Nantucket \_\_\_\_\_

City/Town \_\_\_\_\_

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> <b>Bordering Land Subject to Flooding</b>	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> <b>Isolated Land Subject to Flooding</b>	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> <b>Riverfront Area</b>	1. Name of Waterway (if available) _____ 2. Width of Riverfront Area (check one): <input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only <input type="checkbox"/> 100 ft. - New agricultural projects only <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	6. Was the lot where the activity is proposed created prior to August 1, 1996? <input type="checkbox"/> Yes <input type="checkbox"/> 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> <b>Designated Port Areas</b>	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> <b>Land Under the Ocean</b>	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> <b>Barrier Beach</b>	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> <b>Coastal Beaches</b>	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> <b>Coastal Dunes</b>	1. square feet _____	2. cubic yards dune nourishment _____

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

## **APPENDIX B PROJECT NARRATIVE**

### **Introduction**

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, the proposed work involves construction of a proposed garage, relocated driveway and spa within Land Subject to Coastal Storm Flowage on the subject property.

### **Existing Site Conditions**

The subject property is located on the south side of Walsh Street, Nantucket Assessors Map: 29 Parcel: 85. The site is approximately 0.23 acres. The surrounding land uses are residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (Map Number 25019C0086 G), effective date June 9, 2014, shows that the property is located within Zone AE (El. 7).

The Massachusetts Natural Heritage Atlas, 12<sup>th</sup> Edition, dated October 2008 (Appendix D) shows that Priority Habitat and Estimated Habitat are not mapped within the project vicinity. The proposed work does not require a filing with MESA.

## **APPENDIX C**

Nantucket Topography



**Figure 2: Nantucket  
Topography Map**

#62 WALSH STREET  
NANTUCKET, MASSACHUSETTS  
N.T.S.

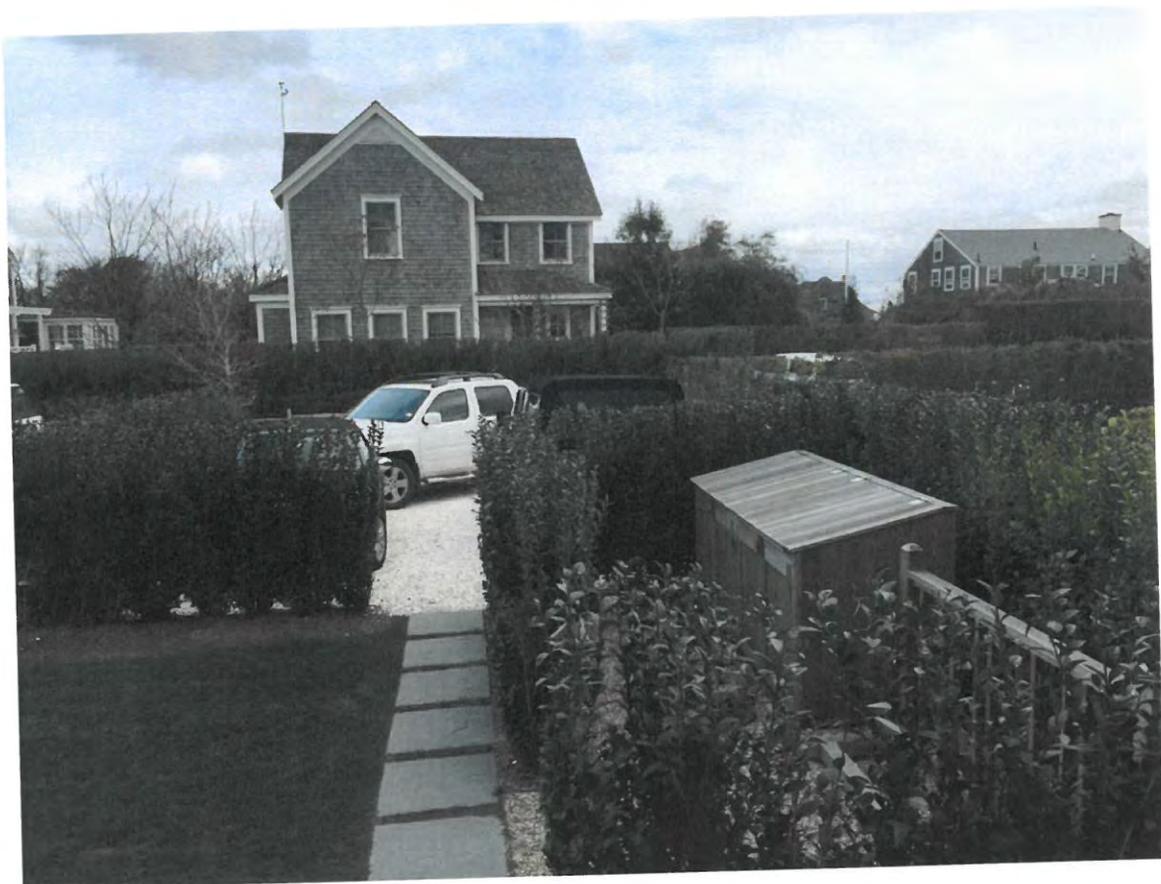
DATE: OCTOBER 28, 2016  
ASSESSOR'S REFERENCE:  
MAP: 29 PARCEL: 85

PREPARED FOR:  
NANTUCKET 62 WALSH, LLC  
NANTUCKET SURVEYORS LLC  
5 WINDY WAY  
NANTUCKET, MA. 02554

**62 Walsh Street, Nantucket, MA  
Applicant: Nantucket 62 Walsh, LLC**



**Front View**



**View of Proposed Garage location**



**View of Proposed Spa location**

**NOTES:**

1. SEE ZBA VARIANCE APPLICATION NO. 077-13  
L.C. DOC. #143239 (SETBACK) AND  
APPLICATION NO. 62-14 L.C. DOC #146804 (GROUNDCOVER)
2. FLOOD ZONE AE (EL. 7) (1988 DATUM) PANEL NO. 86 OF 177  
MAP NUMBER 25019C0086G EFFECTIVE DATE JUNE 9, 2014  
DESIGN FLOOD ZONE ELEVATION=8.7 1934 HTL DATUM  
SEE FLOOD INSURANCE STUDY (TRANSECT #27-29)
3. RESOURCE AREA "LAND SUBJECT TO COASTAL STORM FLOWAGE".

**LEGEND:**

- o-o- POST & RAIL FENCE
- ☁️ PRIVET HEDGE
- CSO CURB SHUT OFF
- 5X9 SPOT ELEVATION

AREA OF DIX STREET  
= 1377± S.F. TO BE  
CONVEYED TO  
MAP 29 PARCEL 85

N/F  
SIXTY FOUR WALSH STREET LLC  
29-94

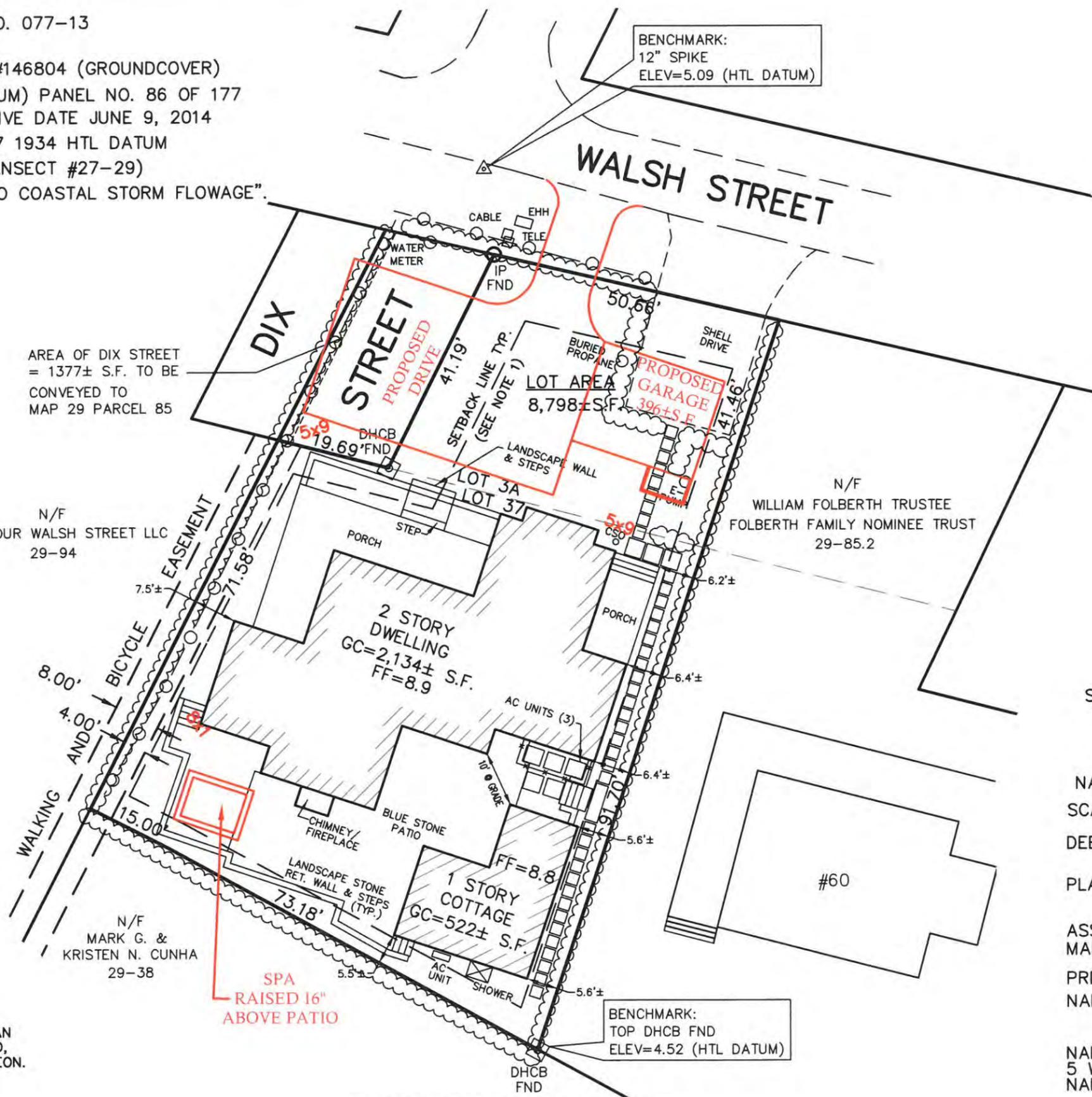
N/F  
WILLIAM FOLBERTH TRUSTEE  
FOLBERTH FAMILY NOMINEE TRUST  
29-85.2

N/F  
MARK G. &  
KRISTEN N. CUNHA  
29-38

CURRENT ZONING: R-1  
MINIMUM LOT SIZE: 5,000 SF  
MINIMUM FRONTAGE: 50'  
FRONTYARD SETBACK: 10'  
SIDE AND REAR SETBACK: 5'  
ALLOWABLE G.C.R.: 30%  
EXISTING G.C.R.: 30.2%± (SEE NOTE 1)  
G.C.R. INCLUDING DIX STREET: 26.1%±  
G.C.R. PROPOSED: 30%±

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN  
RELIES ON CURRENT DEEDS AND PLANS OF RECORD,  
VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON.  
THIS PLAN IS NOT REPRESENTED TO BE A TITLE  
EXAMINATION OR A RECORDABLE SURVEY.

N.B. 384/37, 386/48 & 394/71



*Paul J. Santos*  
10/28/16

SITE PLAN TO ACCOMPANY  
A NOTICE OF INTENT  
#62 WALSH STREET  
IN  
NANTUCKET, MASSACHUSETTS  
SCALE: 1"=20 DATE: 10/28/16  
DEED REFERENCE: L.C.C. 26175  
D.B.K.1553 PG. 67  
PLAN REFERENCE: L.C.P. 10887M  
PL. NO. 02-17  
ASSESSOR'S REFERENCE:  
MAP: 29 PARCEL: 85  
PREPARED FOR:  
NANTUCKET 62 WALSH, LLC

NANTUCKET SURVEYORS LLC  
5 WINDY WAY  
NANTUCKET, MA. 02554

# **NOTICE OF INTENT**

**FOR THE DEMOLISHION OR REMOVAL OF AN EXISTING STRUCUTURE AND  
THE CONTRUCTION OF A PRE-FABRICATED DORMITORY, INSTALLATION OF  
DRAINAGE, LIGHTING & ASSOCIATED LANDSCAPING**

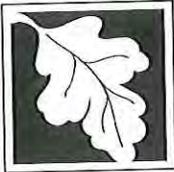
**AT  
4 SOUTH BEACH STREET  
NANTUCKET, MASSACHUSETTS**

**October 2016**

**Prepared for  
NANTUCKET YACHT CLUB**

**Prepared by  
BLACKWELL & ASSOCIATES, INC.  
Professional Land Surveyors / Engineers  
20 Teasdale Circle  
Nantucket, Massachusetts 02554  
(508) 228-9026**

**PROJ. NO. B-5640.1**



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

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Nantucket
City/Town

**WPA Form 3 – Notice of Intent**

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



**A. General Information**

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

**4 South Beach Street** **NANTUCKET** **02554**  
 a. Street Address b. City/Town c. Zip Code  
 Latitude and Longitude: **41° 17' 09.7" N** **70° 05' 55.8" W**  
 d. Latitude e. Longitude  
**42.4.2** **059**  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

**Peter A.** **McEachern**  
 a. First Name b. Last Name  
**NANTUCKET YACHT CLUB**  
 c. Organization  
**1 South Beach Street**  
 d. Street Address  
**Nantucket** **MA** **02554**  
 e. City/Town f. State g. Zip Code  
**857-228-1400** **peter@nantucketyachtclub.org**  
 h. Phone Number i. Fax Number j. Email Address

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

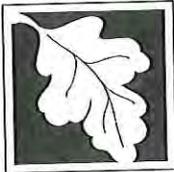
**SAME**  
 a. First Name b. Last Name  
 c. Organization  
 d. Street Address  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

**LEO C.** **ASADOORIAN, PLS**  
 a. First Name b. Last Name  
**BLACKWELL & ASSOCIATES, INC.**  
 c. Company  
**20 TEASDALE CIRCLE**  
 d. Street Address  
**NANTUCKET** **MA** **02554**  
 e. City/Town f. State g. Zip Code  
**508-228-9026 X12** **508-228-5292** **leo@blackwellsurvey.com**  
 h. Phone Number i. Fax Number j. Email address

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

**\$1,050.+ \$25.+ \$200.** **\$512.50** **\$537.50 + \$25.+ \$200.**  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

**Removal of an existing Structure and Replaced with a new, Pre-fabricated Dormitory in the same location; Installation of associated Drainage, Lighting and Landscaping.**

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

133

c. Book

b. Certificate # (if registered land)

494

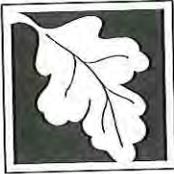
d. Page Number

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

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

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

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



**Massachusetts Department of Environmental Protection**  
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 The Town of Nantucket Wetlands Bylaw Chapter 136

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

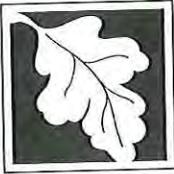


<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	Replacement in kind of damaged Bulkhead 1' seaward
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
i. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1. cubic yards dredged _____ <b>2,198 S.F.+ NET (3,619 Prop.Struc-1,421 Exist.Struc)</b>	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____

**C. Other Applicable Standards and Requirements**

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

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

10/01/08  
b. Date of map \_\_\_\_\_

## **PROJECT NARRATIVE**

**Project Narrative**  
**Construction of an Employee Dorm**

NANTUCKET YACHT CLUB  
4 SOUTH BEACH STREET  
NANTUCKET, MASS. 02554

The site proposed for reconstruction is located off of 4 South Beach Street, Nantucket, MA. (parcel's legal address), but the structure will front on Whaler's Lane (41°17'09.7"N, 70°05'55.8"W), and is situated next to a housing structure also owned by Nantucket Yacht Club (NYC) which is directly to the west.

The property currently contains a 1,421 square foot, one story structure presently used as employee housing by NYC. This structure is proposed to be moved off the premises if feasible or razed if it can't be re-used at another location. Re-use of this structure at another off-site location will be explored.

All construction will be outside of any areas designated by NHESP as lying within the Estimated or Priority Habitats of Rare Wildlife / Species. A copy of the current NHESP Map has been included in the NOI application.

The resource area subject to this Notice has been identified as Land Subject to Coastal Storm Flowage, therefore (Local By-Law: 2.10) performance standards will apply. Topography surveys show that the locations designated for improvements are at the 4.4 to 4.9 foot elevations in the 1988 NAVD Datum. FEMA has determined that this area is within Zone AE (EI 8'), where the Base Flood Elevation (BFE) has been determined. Per section R322.1.4 of the State Building Code, structures in A Zones the design flood elevation shall be the BFE plus one (1) foot. This section of the code will be used in determining the finished floor and structural members of the proposed structure.

All roof runoff will be collected and connected to the town's drainage system. All runoff will be routed through a new BMP structure owned and maintained by the Town of Nantucket located at Children's Beach before discharge into the harbor through a piping system that

outlets at the NYC bulkhead. Since there isn't any on-site parking on the premises all runoff will be from the proposed structures roof system. NYC will be required to obtain a permit issued by the town before a connection to their system is allowed.

It is anticipated that all work will be completed prior to the club's opening for the 2017 season or shortly thereafter.

Once all work is complete, a final as built survey will be performed; a plan will be prepared and submitted to the Commission for review and issuance of a Certificate of Compliance.

It is understood that copies of the Order of Conditions will be given to all contractors working on-site and that it is the responsibility of each contractor and the owner to adhere to the Orders issued by the Nantucket Conservation Commission.

## **STORM WATER MANAGEMENT REPORT**

- **CHECKLIST for STORMWATER REPORT (8 Pages)**
- **STORMWATER REPORT (4 Pages)**
- **APPLICATION TO CONNECT TO THE TOWN OF  
NANTUCKET STORM WATER COLLECTION  
SYSTEM**
- **CONTRACT & RECORD DRAWINGS OF THE TOWN  
OF NANTUCKET'S EXISTING BMP STRUCTURE AT  
CHILDREN'S BEACH.**

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

**STORMWATER REPORT — REDEVELOPMENT PROJECT**

**Dorm Construction / 4 South Beach Street – NANTUCKET, MA**

**OWNER & APPLICANT: NANTUCKET YACHT CLUB**

INTRODUCTION

The Owner/Applicant proposes to remove an existing structure and replace it with a new structure at the above mentioned address. The proposed project does not disturb any area that is not currently being utilized by an existing structure or lawn area. No on-site parking is realized with this application. The site currently has an existing Storm Water collection system for the existing Har-Tru® tennis courts in the rear of the proposed redeveloped structure. Storm water is collected off the courts and infiltrated into the ground. No runoff from the proposed structure is intended to be directed to this existing system, but will be collected via roof gutters and leaders and directed into the Town of Nantucket's existing drainage system within South Beach Street and Harbor View Way. See attach routing map and copies on Contract Drawings prepared by AECOM on behalf of the Town of Nantucket.

It is the intention of the owner to connect to this Existing System installed between 2007 and 2010 and become a part of the existing Operation and Maintenance Plan already in place and actively being utilized to the fullest extent possible.

Prior to connection of the Town System, the applicant will be required to obtain a Permit for Connection/Discharge to the Storm Water Collection System. A copy of the required Application is included with this Report.

STORMWATER STANDARDS

**STANDARD 1: NO UNTREATED DISCHARGES OR EROSION TO WETLAND**

Stormwater Discharge Velocity: The maximum discharge velocity based on runoff from the 2-year 24-hour storm is very low due to a grade of less than 0.01 ft/ft and a flow length less than 125 feet. All piping systems within subject parcel have a maximum slope of 1.5% and utilizing 6" pvc pipe. Maximum flow rates within this pipe system have been calculated to be 3.5 feet per second and a full flow capacity of 0.69 cfs.

**STANDARD 2: PEAK RATE ATTENUATION**

Redevelopment project – Compliance to the Maximum Extent Practicable: The change in surface from grass/ dirt to a roof structure will not increase the peak runoff rate

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

of post-development runoff, due to the collection system noted above. It is anticipated that the areas that are currently lawn will continue to maintain the gradual, almost flat grade which will promote infiltration during minor rainfall events.

**STANDARD 3: STORMWATER RECHARGE**

Redevelopment project – Compliance to the Maximum Extent Practicable: TSS is reduced to the maximum extent practicable through the use of the existing Storm Water Treatment system already in place and currently functioning as designed. Roof leader piping systems will be routed through drain manholes (DMH) with sumps to collect any suspended solids. NYC staff will inspect the two (2) proposed DMH's as clean as needed on an annual basis.

**STANDARD 4: WATER QUALITY**

Redevelopment project – Compliance to the Maximum Extent Practicable: Water Quality is improved through the use of the existing Storm Water Treatment system already in place and currently functioning as designed.

The system is checked and maintained on a regular basis by the Town of Nantucket. No records of these maintained structures have been made available to us at the time of this application, but I trust the Town is maintaining this very expensive system.

**STANDARD 5: LAND USES WITH HIGHER POTENTIAL POLLUTANT LOADS**

Redevelopment project – Compliance to the Maximum Extent Practicable: Vehicles currently utilize the entire surrounding area and a portion of the site. The proposed project will not significantly alter the existing use. The Source Control and Long-term Pollution Prevention Plan utilized by the town will contribute to meet this standard.

**STANDARD 6: CRITICAL AREAS**

Redevelopment project – Compliance to the Maximum Extent Practicable: The redevelopment project area discharges to the harbor, only after being processed through the existing treatment system previously approved by DEP under Project No. CWSRF 2963.

**STANDARD 7: REDEVELOPMENT**

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*Professional Civil Engineers & Land Surveyors*

See attached Operation and Maintenance Plan

See Standard 1 that demonstrates that there are no new discharges that cause or contribute to erosion of wetlands or waters of the Commonwealth

**STANDARD 8: CONSTRUCTION PERIOD CONTROLS**

See attached Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan

**STANDARD 9: OPERATION AND MAINTENANCE PLAN**

See attached Operation and Maintenance Plan

**STANDARD 10: ILLICIT DISCHARGES TO DRAINAGE SYSTEM**

See attached Source Control and Pollution Prevention Plan

See attached Illicit Discharge Compliance Statement

**Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan**

- Filter fabric will be installed into existing catch basins throughout the duration of the construction project.
- Any accumulated sediment will be regularly removed from the site and disposed of at a properly licensed facility.

**Operation and Maintenance Plan**

- The roof leader system will be inspected on an annual basis. The collected sediment will be removed from the site and disposed of at a properly licensed facility.
- Owner & Responsible Party: Nantucket Yacht Club
- Estimated Annual Budget: ≤ \$500.00 (Materials and Labor)

**Source Control and Long-term Pollution Prevention Plan**

- The catchbasin will be cleaned once a year or as needed.

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*Professional Civil Engineers & Land Surveyors*

- The collected sediment will be removed from the site and disposed of at a properly licensed facility.
- No vehicle washing, fueling or maintenance activities will be permitted on-site.
- No outdoor storage of hazardous materials will be permitted. Waste and recycling containers with secure lids will be provided and be removed from the property on a regular basis.
- Guests will be asked to pick-up and properly dispose of pet waste.
- There will be no fertilizing of the grassed parking area.
- Emergency Contact: Vin Raimo, NYC Facility Manager; 508-654-9053

**Illicit Discharge Compliance Statement**

- There are no illicit discharges that will be generated by the proposed redevelopment project.
- The property owner agrees not to allow any illicit discharges in the future.

# CONTRACT DRAWINGS

- for -

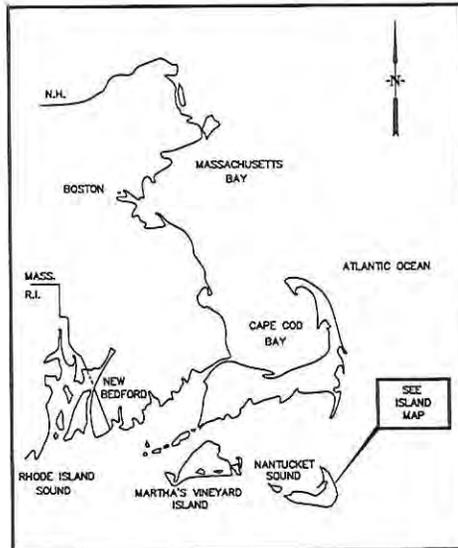
# STORMWATER IMPROVEMENTS

# PHASE I

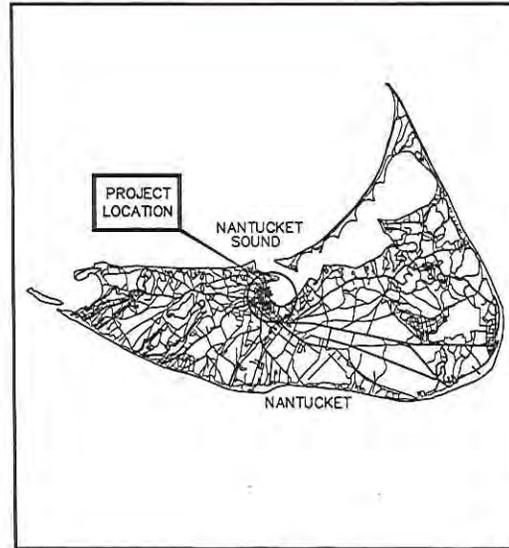
**Nantucket, Massachusetts**

INDEX

JANUARY, 2007

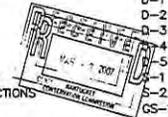


LOCUS



ISLAND MAP

<u>TITLE</u>	<u>SHEET NO.</u>
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LEGEND, ABBREVIATIONS AND GENERAL NOTES	2
INDEX	3
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DO-034 CHILDREN'S BEACH - EASTON STREET	5
DO-034 CHILDREN'S BEACH - EASTON STREET	6
DO-034 CHILDREN'S BEACH - EASTON STREET	7
DO-034 CHILDREN'S BEACH - HARBOR VIEW WAY	8
DO-04A CHILDREN'S BEACH - HARBOR VIEW WAY (ALT. A)	9
DO-04A CHILDREN'S BEACH - HARBOR VIEW WAY (ALT. B)	10
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D-084 EASY ST. AND DO-074 CAMBRIDGE ST. - CDS (ALT. C)	18
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ID-059 NEW WHALE STREET - STORMCEPTOR (ALT. B)	20
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A Tyco International Ltd. Company

300 Baker Avenue Suite 290 Concord, Mass. 01742

DEP PROJECT NO. CWSRF 2963

CONTRACT NO. 2006-1

SHEET 1 OF 43

**LEGEND**

- P- PROPERTY LINE
- PP - POWER POLE (PP)
- B-1 - SOIL BORING
- BORING NO.1 REFER TO SECTION D1510 FOR DETAILED BORING LOG
- W - EXISTING WATER
- G - EXISTING GAS
- D - EXISTING DRAIN
- S - EXISTING SEWER
- - EXISTING DRAIN MANHOLE
- - EXISTING CATCH BASIN
- - EXISTING SEWER MANHOLE
- - TREE
- HAYBALES OR EQUIVALENT
- 10' BUFFER ZONE
- NEW DRAIN
- - NEW DRAIN MANHOLE
- NEW OUTFALL
- ▨ - PROPOSED BMP
- ▨ - PROPOSED RFP RAP
- TOCB - TOP OF COASTAL BANK

**GENERAL NOTES**

1. LOCATIONS OF ALL UTILITIES AND SUBSURFACE STRUCTURES ARE FROM SURVEY, VARIOUS UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE CONSIDERED APPROXIMATE BOTH AS TO SIZE AND LOCATION AND ARE INDICATED ON THESE DRAWINGS TO GIVE BIDDERS A GENERAL IDEA OF EXISTING CONDITIONS TO BE INVESTIGATED BY THE BIDDERS. IT IS UNDERSTOOD AND AGREED THAT EACH BIDDOR WILL NOT RELY UPON THESE DRAWINGS FOR SUCH INFORMATION, BUT THAT EACH BIDDOR SHALL MAKE EXAMINATIONS IN THE FIELD BY VARIOUS AVAILABLE METHODS AND SHALL OBTAIN INFORMATION FROM UTILITY COMPANIES, PUBLIC AGENCIES AND OTHER SOURCES AS TO THE LOCATION OF ALL SUBSURFACE STRUCTURES.

2. ALL PUBLIC AND PRIVATE UTILITY COMPANIES, INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THESE DRAWINGS, MUST BE NOTIFIED PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITIES.

3. LOCATION OF PROPERTY LINES WERE SUPPLIED BY THE OWNER AND/OR BLACKWELL & ASSOC., INC.

4. ALL ELEVATIONS REFER TO U.S.C.O HALF TIDE ELEVATION (MFL) OF 1934.

5. BASE SURVEY PERFORMED BY BLACKWELL & ASSOC., INC., HANTUCKET, MASSACHUSETTS.

6. WETLAND AREAS DELINEATED BY EARTH TECH.

7. SUBSURFACE EXPLORATION PERFORMED BY GEOLOGIC EARTH EXPLORATION, NORFOLK, MA.

8. SAFETY GRATES SHALL BE USED AT THE VERY END OF ALL OUTFALL PIPES WITH A DIAMETER OF 16-INCHES OR GREATER, SEE DETAIL SHEET D-2 FOR FURTHER INFORMATION.

**EXISTING SITE PLAN AND DEMOLITION NOTES**

1. CONTRACTOR TO NOTE THAT, IN GENERAL, ALL EXISTING CONDITION INFORMATION ON THE DRAWINGS ARE SHOWN WITH A LIGHTER LINE THICKNESS AND WITH SLANTED TYPE TEXT.

2. UNLESS OTHERWISE NOTED, THERE IS NO KNOWN ASBESTOS WITHIN THE AREA OF WORK. IF THE PRESENCE OF ASBESTOS IS DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER IMMEDIATELY. DISPOSAL OF ASBESTOS SHALL BE IN ACCORDANCE WITH THE COMMONWEALTH OF MASSACHUSETTS REGULATIONS.

**GENERAL SITE GRADING PLAN NOTES**

1. THE GENERAL LIMIT OF WORK WILL BE CONFINED TO WITH THE TOWN'S RIGHT OF WAY, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

2. ALL ROAD AND PARKING AREA SURFACES SHALL FURNISH 4 INCH PER FOOT MINIMUM, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

3. ALL UNPAVED AREAS THAT ARE EXCAVATED, FILLED, OR OTHERWISE DISTURBED BY THE CONTRACTOR SHALL BE LOAMED, GRADED, LIMED, FERTILIZED, SEEDED AND MULCHED UNLESS OTHERWISE NOTED. THE TOP 4 INCHES OF SOIL SHALL BE LOAM. REFER TO SPECIFICATION SECTION 0245, LOAMING AND SEEDING.

4. THE CONTRACTOR SHALL PROVIDE PROPER EROSION CONTROL AND DRAINAGE MEASURES IN ALL AREAS OF WORK AND DURING SOIL SEDIMENT TO WITHIN THE LIMITS OF EXCAVATION AND GRADING. PRIOR TO BEGINNING EXCAVATION WORK, EROSION CONTROL FENCE SHALL BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE ACTUAL LIMITS OF GRUBBING AND/OR GRADING. EROSION CONTROL FENCE SHALL ALSO BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE TOPSOIL STOCKPILES. ALL DISTURBED EARTH SURFACES SHALL BE STABILIZED IN THE SHORTEST PRACTICAL TIME AND TEMPORARY EROSION CONTROL DEVICES SHALL BE EMPLOYED UNTIL SUCH TIME AS ADEQUATE SOIL STABILIZATION HAS BEEN ACHIEVED. TEMPORARY STORAGE OF EXCAVATED MATERIAL SHALL BE STABILIZED IN A MANNER THAT WILL MINIMIZE EROSION. ALL INSTALLED EROSION CONTROL FACILITIES SHALL BE REMOVED AT THE END OF THE PROJECT. REFER TO SPECIFICATION SECTIONS 0140, ENVIRONMENTAL PROTECTION AND 02220, EARTHWORK.

5. ALL STORM DRAINAGE INLETS SHALL BE PROTECTED BY MESH BALE FILTERS TO PREVENT ENTRY OF DEBRIS FROM RUNOFF WATERS DURING CONSTRUCTION. SEE DETAIL ON DRAWING D-2. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL COLLECTED DEBRIS, AND THAT WHICH COLLECTS IN THE STORM DRAIN SYSTEM.

6. TEST PIT AND/OR BORING LOGS FOR THE PROJECT SITE ARE INCLUDED IN THE APPENDIX OF THE SPECIFICATIONS.

7. CONTRACTOR SHALL CONTROL DUST ON THE CONSTRUCTION SITE TO A REASONABLE LIMIT, AS DETERMINED BY THE ENGINEER, AND AS OUTLINED IN SPECIFICATION SECTION 0140, ENVIRONMENTAL PROTECTION.

8. CONTRACTOR SHALL NOT TRACK OR SPILL EARTH, DEBRIS OR OTHER CONSTRUCTION MATERIAL ON PUBLIC OR PRIVATE STREETS OR DRIVES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE ASSOCIATED CLEAN UP.

9. ALL CATCH BASINS, MANHOLES, VALVE PITS, VALVE BOXES AND OTHER BURIED FACILITIES WITH SURFACE ACCESS SHALL BE ADJUSTED TO MATCH FINAL GRADES, UNLESS OTHERWISE INDICATED.

10. CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL DEBRIS AND EXCESS EXCAVATED MATERIAL FROM WITHIN THE CONSTRUCTION LIMIT OF WORK TO A SUITABLE SITE PROVIDED BY THE CONTRACTOR, IN COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS. ANY EXCESS SUITABLE MATERIAL MAY REMAIN ON SITE AT THE REQUEST OF THE OWNER.

11. CONTRACTOR SHALL REMOVE AND REPLACE OR REPAIR ALL CURBS, SIDEWALKS, PAVEMENT AND OTHER ITEMS DAMAGED BY HIS CONSTRUCTION ACTIVITIES TO AT LEAST THEIR ORIGINAL CONDITION, TO THE SATISFACTION OF THE OWNER AND THE ENGINEER.

12. WHERE EXISTING PAVEMENT IS REMOVED AND REPLACED, MATCH EXISTING GRADES, COORDINATE FINE GRADING WITH THE ENGINEER.

**SITE LAYOUT NOTES**

1. THE LOCATION AND LIMITS OF ALL ON-SITE WORK AND STORAGE AREAS SHALL BE REVIEWED/COORDINATED WITH, AND ACCEPTABLE TO, THE OWNER AND THE ENGINEER. THE CONTRACTOR SHALL LIMIT ALL ACTIVITIES TO THESE AREAS.

2. CONTRACTOR TO COORDINATE STAGING LOCATION(S) WITH OWNER AND ENGINEER PRIOR TO CONSTRUCTION.

2. CONTRACTOR TO COORDINATE STAGING LOCATION(S) WITH OWNER AND ENGINEER PRIOR TO CONSTRUCTION.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-ESTABLISHING AND RESETTling ALL EXISTING PROPERTY MONUMENTATION DISTURBED BY CONSTRUCTION OPERATIONS. THIS WORK SHALL BE PERFORMED BY A LAND SURVEYOR REGISTERED WITHIN THE COMMONWEALTH OF MASSACHUSETTS, AT NO ADDITIONAL COST TO THE OWNER.

4. WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DISTANCES FROM THE DRAWINGS. REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

**DEING NOTES**

1. ALL PIPELINES SHALL SLOPE UNIFORMLY BETWEEN ELEVATIONS INDICATED ON THE DRAWINGS. NO CROETS IN PIPING WILL BE PERMITTED. ALL HORIZONTAL AND VERTICAL BENDS IN PRESSURIZED LINES SHALL BE SUITABLY RESTRAINED WITH THRUST BLOCKS. SEE DETAIL DRAWINGS FOR FURTHER INFORMATION. PROVIDE ALL BENDS (HORIZONTAL AND VERTICAL) AS REQUIRED TO MEET THE GRADES AND ALIGNMENT INDICATED ON THE DRAWINGS.

2. THE CONTRACTOR SHALL ASCERTAIN THE LOCATION AND SIZE OF EXISTING PIPING AND UTILITIES IN THE FIELD BY TEST PIT (EXPERIMENTAL EXCAVATION) PRIOR TO COMMENCING THE INSTALLATION OF ANY OF THE NEW PIPING AFFECTED. WHERE NEW PIPE CONNECTS TO EXISTING PIPING OR STRUCTURAL PENETRATION, CONTRACTOR SHALL VERIFY ELEVATION BY TEST PIT, AS REQUIRED, PRIOR TO INSTALLATION OF ANY OF THE ASSOCIATED/AFFECTED NEW PIPING. IDENTIFIED CONFLICTS WITH EXISTING PIPING AND UTILITIES WILL BE REVIEWED WITH THE ENGINEER PRIOR TO COMMENCING INSTALLATION. THE HORIZONTAL ALIGNMENT OF NEW PIPING MAY BE ADJUSTED IN THE FIELD SUBJECT TO PRIOR REVIEW AND ACCEPTANCE OF THE ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY LAYOUT OF ALL PROPOSED WORK AS SHOWN ON THE DRAWINGS AND REPORT ANY LAYOUT DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

3. PROVIDE CAST OR DUCTILE IRON WALL CASTINGS, OR GALVANIZED STEEL PIPE SLEEVES, FOR ALL PIPE PENETRATIONS MADE THROUGH CONCRETE FOUNDATIONS, WALLS AND SLABS. ALL WALL SLEEVES AND WALL CASTINGS SHALL HAVE WATERSTOP. SEE STRUCTURAL DRAWINGS FOR LOCATIONS OF PIPE PENETRATIONS. NEW PENETRATIONS THROUGH EXISTING STRUCTURE WALLS SHALL BE BY CORING MACHINE AND "LINK-SEAL" TYPE SEALS, UNLESS OTHERWISE INDICATED. OPENINGS TO BE COMPATIBLE WITH REQUIRED PIPING AND STANDARD LINK-SEAL SIZES. SEE DETAIL DRAWINGS FOR FURTHER INFORMATION.

4. THE TOP OF MANHOLE FRAMES SHALL BE SET FLUSH WITH FINISH GRADE, UNLESS OTHERWISE NOTED ON DRAWINGS.

5. REFER TO DETAIL AND STRUCTURAL DRAWINGS AS WELL AS SPECIFICATION SECTION 02220, EARTHWORK FOR PIPE AND STRUCTURE BEDDING AND BACKFILL REQUIREMENTS.

6. COMPACTION TESTS WILL BE PERFORMED IN ACCORDANCE WITH SPECIFICATION SECTION 02220, EARTHWORK. ANY SETTLEMENT OCCURRING WITHIN ONE YEAR OF FINAL COMPLETION OF THE WORK SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST.

7. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

8. REFER TO SPECIFICATION SECTION 01030, SPECIAL REQUIREMENTS, FOR INFORMATION REGARDING COORDINATION WITH OTHERS INCLUDING RESPONSIBILITIES AND RELATED COSTS.

9. WHERE NEW PIPING IS TO BE CONNECTED TO EXISTING PIPING, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL ADAPTED FITTINGS, AND ADDITIONAL PIPING AS REQUIRED TO COMPLETE THE CONNECTION. CONTRACTOR SHALL VERIFY LOCATION, ELEVATION, ORIENTATION AND MATERIAL OF CONSTRUCTION. TEST PITS SHALL BE USED AS REQUIRED OR WHERE RECOMMENDED BY THE ENGINEER.

10. ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE, UNLESS OTHERWISE NOTED ON DRAWINGS.

11. CONTRACTOR SHALL RESHAPE INVERTS AS REQUIRED WHEN CONNECTING INTO EXISTING MANHOLES.

12. WHERE POSSIBLE, WATER DISTRIBUTION PIPES SHOULD BE INSTALLED ABOVE WASTEWATER PIPES. A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN THE BOTTOM OF THE WATER LINE AND THE TOP OF THE WASTEWATER LINE SHALL BE MAINTAINED, IF POSSIBLE. WHERE A WATER LINE CROSSES BELOW A WASTEWATER LINE, A FULL LENGTH OF PIPE SHALL BE CENTERED ABOVE THE WATER LINE SO THAT BOTH SETS OF JOINTS WILL BE AS FAR FROM ONE ANOTHER AS POSSIBLE.

13. ALL STRUCTURES AND PIPELINES LOCATED ADJACENT TO ANY TRENCH EXCAVATION SHALL BE PROTECTED AND FINELY SUPPORTED BY THE CONTRACTOR UNTIL THE TRENCH HAS BEEN PROPERLY BACKFILLED. DAMAGE TO ANY SUCH STRUCTURE AND/OR PIPELINE CAUSED BY OR RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE AND AT NO ADDITIONAL COST TO THE OWNER. ALL UTILITIES REQUIRING REPAIR, RELLOCATION OR ADJUSTMENT AS A RESULT OF THE PROJECT WORK SHALL BE COORDINATED THROUGH THE OWNER AND ENGINEER.

14. WHENEVER STRUCTURES ARE LOCATED PARTLY WITHIN A PAVED AREA AND PARTLY IN A NON-PAVED AREA, A SITUATION CONCRETE PAVED APPROX 2 FEET WIDE SHALL BE SUPPLIED AND INSTALLED AROUND THE PROPOSED COVER. THE PAVEMENT SHALL BE SLOPED AWAY FROM THE COVER.

**ENVIRONMENTAL IMPACT NOTES**

1. EROSION/SEDIMENTATION CONTROLS TO BE INSPECTED AND APPROVED BY THE HANTUCKET CONSERVATION COMMISSION PRIOR TO THE START OF WORK.

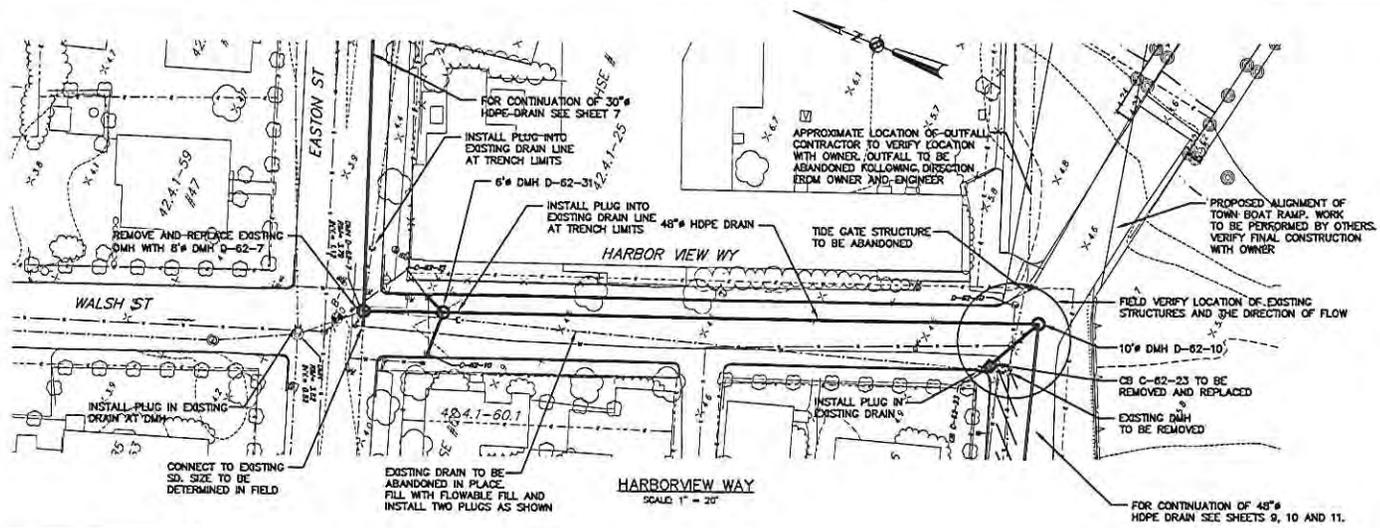
2. EROSION/SEDIMENTATION CONTROLS WILL ACT AS A LIMIT OF DISTURBANCE. NO WORK IS TO BE PERFORMED OUTSIDE OF THE EROSION CONTROLS WITHOUT PRIOR AUTHORIZATION FROM THE HANTUCKET CONSERVATION COMMISSION.



DATE	BY	REVISION

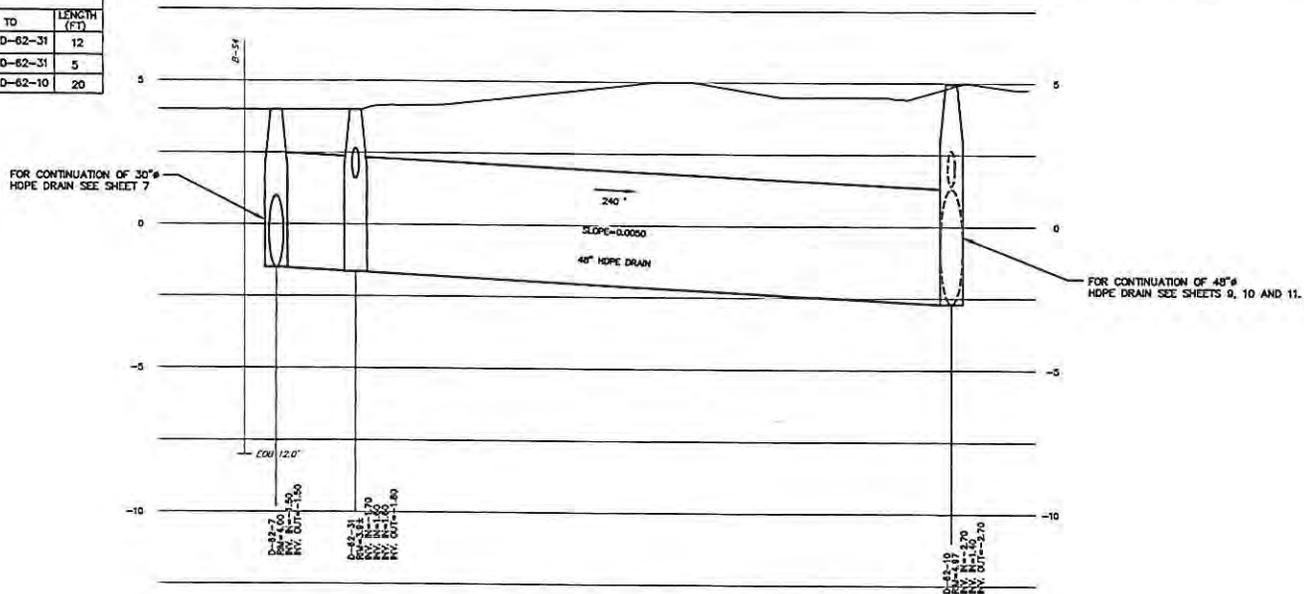

HANTUCKET, MASSACHUSETTS  
STORMWATER IMPROVEMENTS  
PHASE I  
LEGEND, ABBREVIATIONS AND GENERAL NOTES





CATCH BASIN SCHEDULE

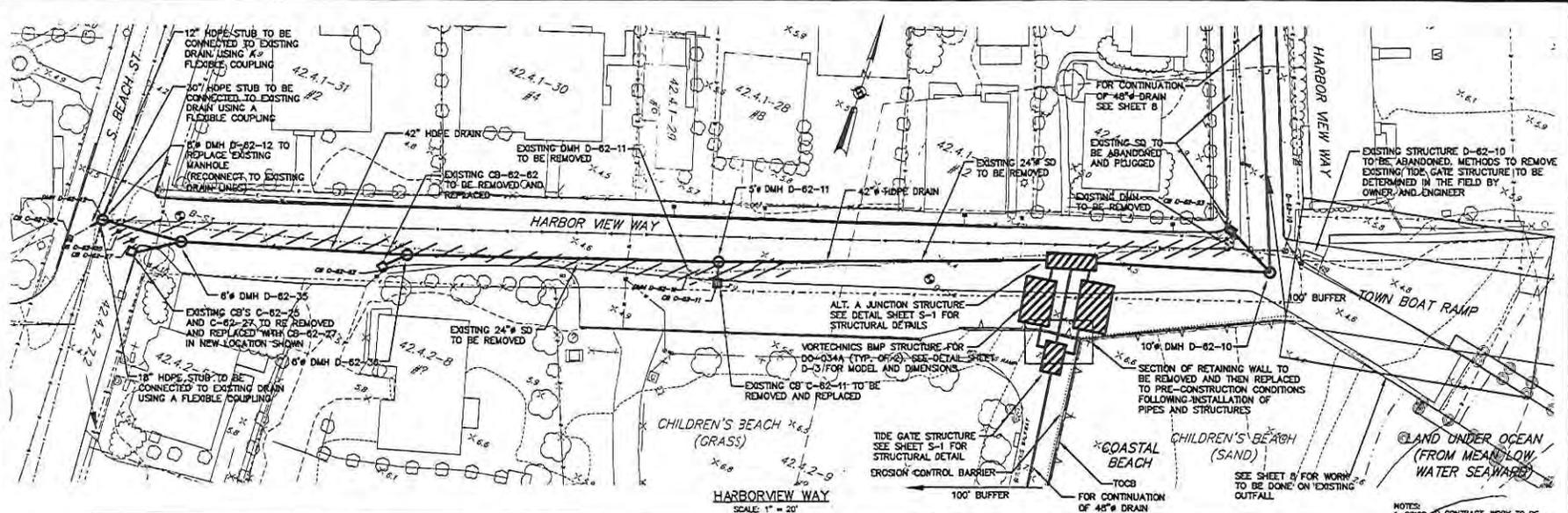
NO.	PIPE SIZE	RIM	SUMP	INV. OUT	TD	LENGTH (FT)
CB-62-10	12"	3.5±	-2.30	1.70	DMH D-62-31	12
CB-62-21	12"	3.5±	-2.30	1.70	DMH D-62-31	5
CB-62-23	12"	4.4±	-2.50	1.50	DMH D-62-10	20



FULL SIZE DRAWING - 4"

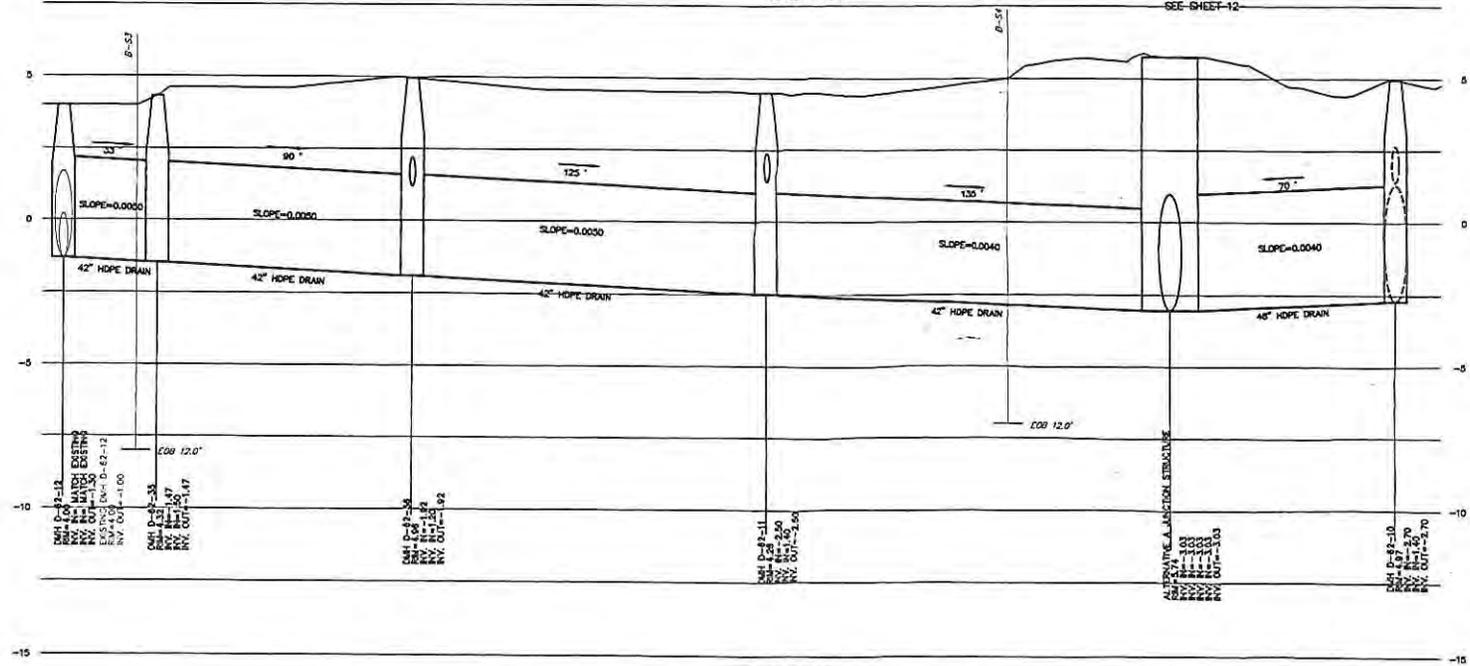
NO.	DATE	DESCRIPTION

DATE	BY	DESCRIPTION



HARBORVIEW WAY  
SCALE: 1" = 20'

NOTES:  
1. PRIOR TO CONTRACT, WORK TO BE PERFORMED ON BOAT RAMP BY OTHERS. EXISTING CONDITIONS WILL BE APPROXIMATELY AS SHOWN.



**EarthTech**  
A Terra International Ltd. Company  
200 WEST AVENUE, SUITE 200, BOSTON, MA 02118 (617) 271-1000

NANTUCKET, MASSACHUSETTS STORMWATER IMPROVEMENTS PHASE I DO-034A CHILDREN'S BEACH HARBORVIEW WAY - VORTECHNICS (ALT. A)									

SHEET 2 OF A3











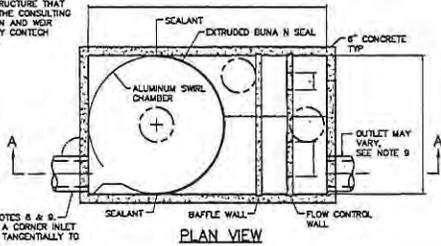
**DESIGN FOR VORTECHNICS TYPE BMP STRUCTURES AT NANTUCKET OUTFALLS**

Drainage Outfall	Reference Dimensions (Inches)					Vortech Model
	A	B	C	D	E	
D34	228	156	18	18	24	PC 1319
034A	216	144	18	18	24	VX 16000
059	120	48	22	18	24	VX 2000
061	156	64	22	18	24	VX 5000
074	168	96	22	18	24	VX 7000
084	144	72	22	18	24	VX 4000
116	144	72	22	18	24	VX 4000
148	120	48	22	18	24	VX 2000
203	156	64	22	18	24	VX 5000
235A	144	72	22	18	24	VX 4000

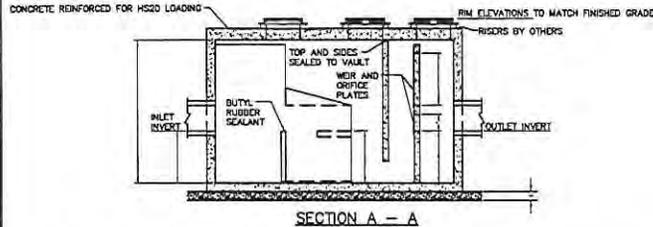
VORTECHS® MODEL	ALUMINUM SWIRL CHAMBER DIAMETER/AREA (FT/FT²)	TREATED FLOW	SEDIMENT STORAGE (YD³)	APPROX. SIZE LxW (FT)
1000	3/7	1.5	0.7	9X3
2000	4/13	2.8	1.2	10X4
3000	5/20	4.5	1.8	11X5
4000	6/28	6	2.4	12X6
5000	7/38	8.5	3.2	13X7
7000	8/50	11	4.0	14X8
9000	9/64	14	4.8	15X9
11000	10/79	17.5	5.6	16X10
16000	12/113	25	7.1	18X12

**SIZING TABLE**  
**VORTECHS STORMWATER TREATMENT SYSTEM**  
NOT TO SCALE

NOTE: VORTECHS SYSTEMS INSTALLED IN A BYPASS CONFIGURATION REQUIRE AN UPSTREAM DIVERSION STRUCTURE THAT SHALL BE DETAIL BY THE CONSULTING ENGINEER WITH ELEVATION AND WORK WITH DATA PROVIDED BY CONTECH STORMWATER SOLUTIONS.

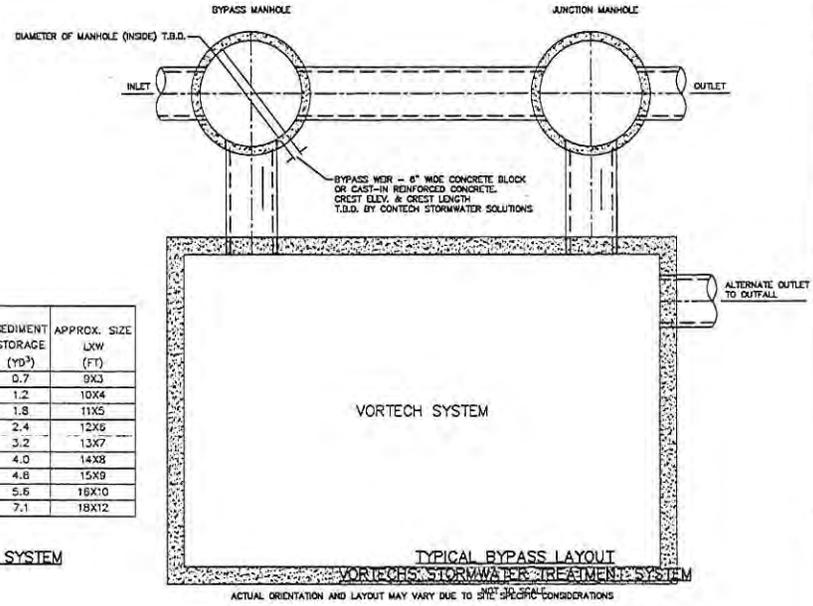


INLET VARIES, SEE NOTES 8 & 9. INLET PIPE MUST BE A CORNER INLET TO INTRODUCE FLOW TANGENTIALLY TO THE SWIRL CHAMBER.

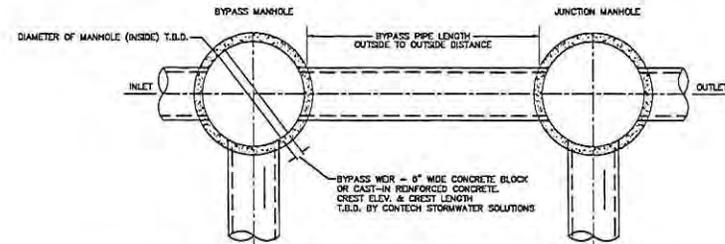


- NOTES:
1. STORMWATER TREATMENT SYSTEM (SWTS) SHALL HAVE: PEAK TREATMENT CAPACITY: 11 CFS; SEDIMENT STORAGE: 4 CU YD; SEDIMENT CHAMBER DIA: 8" MIN.
  2. SWTS SHALL BE CONTAINED IN ONE RECTANGULAR STRUCTURE.
  3. SWTS REMOVAL EFFICIENCY SHALL BE DOCUMENTED BASED ON PARTICLE SIZE.
  4. SWTS SHALL RETAIN FLOATABLES AND TRAPPED SEDIMENT UP TO AND INCLUDING PEAK TREATMENT CAPACITY.
  5. SWTS INVERTS IN AND OUT ARE TYPICALLY AT THE SAME ELEVATION.
  6. SWTS SHALL NOT BE COMPROMISED BY EFFECTS OF DOWNSTREAM TAILWATER.
  7. SWTS SHALL HAVE NO INTERNAL COMPONENTS THAT OBSTRUCT MAINTENANCE ACCESS.
  8. INLET PIPE MUST BE PERPENDICULAR TO THE STRUCTURE.
  9. PIPE ORIENTATION MAY VARY; SEE SITE PLAN FOR SIZE AND LOCATION.
  10. PURCHASER SHALL NOT BE RESPONSIBLE FOR ASSEMBLY OF UNIT.
  11. MANHOLE FRAMES AND PERFORATED COVERS SUPPLIED WITH SYSTEM, NOT INSTALLED.
  12. PURCHASER TO PREPARE EXCAVATION AND PROVIDE CRANE FOR OFF-LOADING AND SETTING AT TIME OF DELIVERY.
  13. VORTECHS SYSTEMS BY CONTECH STORMWATER SOLUTIONS; PORTLAND, OR (800)548-4697; SCARBOROUGH, ME (877) 927-8878; LINTHICUM, MD (866) 740-3318.

**STANDARD DETAIL**  
**VORTECHS MODEL 7000**  
**STORMWATER TREATMENT SYSTEM**  
NOT TO SCALE



NOTE: BYPASS AND JUNCTION MANHOLE DIAMETERS ARE ASSUMED BASED ON THE TREATMENT CAPACITY OF THE VORTECHS SYSTEM. THESE DIAMETERS MAY CHANGE DEPENDING ON SITE SPECIFIC CONDITIONS. CONTACT YOUR CONTECH STORMWATER SOLUTIONS DESIGN ENGINEER.



VORTECHS MODEL SIZE	VORTECHS DIMS		RECOMMENDE D PIPE SIZE	TYPICAL BYPASS MANHOL E	TYPICAL JUNCTION MANHOLE	APPROXIMATE CENTER LINE TO CENTER LINE DISTANCE	APPROXIMATE BYPASS PIPE LENGTH OUTSIDE TO OUTSIDE
	LENGTH	WIDTH					
1000	5'-0"	3'-0"	Ø10"	4'-0"Ø	4'-0"Ø	7'-6"	3'-6"
2000	10'-0"	4'-0"	Ø12"	4'-0"Ø	4'-0"Ø	8'-5"	4'-5"
3000	11'-0"	5'-0"	Ø15"	5'-0"Ø	4'-0"Ø	9'-3"	4'-9"
4000	12'-0"	6'-0"	Ø15"	5'-0"Ø	4'-0"Ø	10'-3"	5'-9"
5000	13'-0"	7'-0"	Ø18"	6'-0"Ø	5'-0"Ø	11'-2"	5'-8"
7000	14'-0"	8'-0"	Ø18"	6'-0"Ø	5'-0"Ø	12'-2"	6'-8"
9000	15'-0"	9'-0"	Ø21"	6'-0"Ø	6'-0"Ø	11'-10"	5'-10"
11000	16'-0"	10'-0"	Ø24"	6'-0"Ø	6'-0"Ø	12'-8"	6'-8"
16000	18'-0"	12'-0"	Ø27"	6'-0"Ø	6'-0"Ø	14'-7"	8'-7"

**TYPICAL BYPASS & JUNCTION MANHOLE LAYOUT**  
**WITH SPECIFICATIONS TABLE FOR**  
**VORTECHS STORMWATER TREATMENT SYSTEM**  
NOT TO SCALE

DATE	
SCALE	
REVISION	
NO.	
DATE	



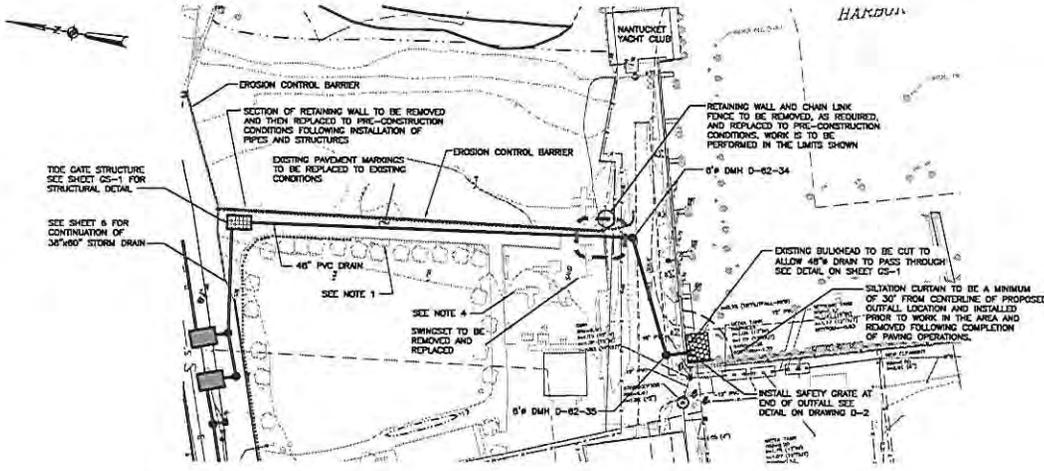






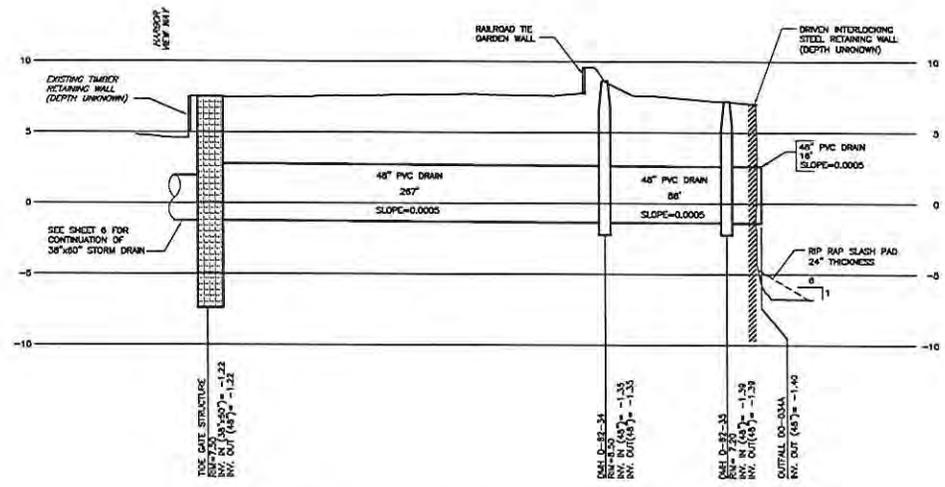




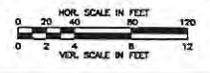


- NOTES**
1. BENCHES TO BE PROTECTED DURING CONSTRUCTION.
  2. TREES TO BE PROTECTED DURING CONSTRUCTION.
  3. PLANTINGS TO BE REPLACED AS DIRECTED BY OWNER.
  4. CHILDREN'S BEACH PLAYGROUND EQUIPMENT TO BE PROTECTED DURING CONSTRUCTION.

**CHILDREN'S BEACH**  
SCALE: 1"=40'



**PROFILE - TIDE GATE TO OUTFALL DO-034A**



**AECOM**  
300 Federal Street, Suite 200  
Boston, MA 02110  
Tel: 617.452.4000  
Fax: 617.452.4001

FULL SIZE DRAWING = 4"	
NO.	DATE
1	11-21-07
2	RELEASED FOR RFP BIDDING
3	REVISION
4	BY
5	DATE

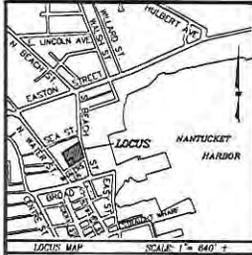
MANTUCKET, MASSACHUSETTS  
STORMWATER IMPROVEMENTS  
PHASE I  
DO-034A CHILDREN'S BEACH  
CHILDREN'S BEACH

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
IN CHARGE	DATE

I:\Projects\10-034A Children's Beach\10-034A Children's Beach.dwg (11/21/07)







**CURRENT ZONING CLASSIFICATION:**  
Commercial Downtown (CDT)

MINIMUM LOT SIZE: 3,750 S.F.  
MINIMUM FRONTAGE: 35 FT.  
FRONT YARD SETBACK: none  
REAR/SIDE SETBACK: 0/5 FT.  
GROUND COVER 5:1  
70%

42.4.2-67  
7 NORTH WATER STREET REALTY TRUST  
DEED BK. 311, PG. 179  
PLAN No. 2006-23  
#7 NORTH WATER STREET

To d/CB Fnd./Hold @ North Water Street 100.11'

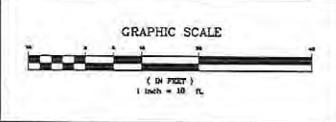
42.4.2-68  
NANTUCKET THEATRE PROJECT, LLC  
DEED BK. 1475, PG. 49  
PLAN BK. 10, PG. 49  
#9 NORTH WATER STREET

T:\VLO 25 JOB 138  
V:\DRAWFILES\B5640\1\SP.dwg 6/23/2016 1:50:44 PM EDT

NO.	DATE	DESCRIPTION	BY
1	6-23-16	BOUNDARY ADJUSTMENT BASED RECORDED PLAN	LDA

**DIVER INFORMATION**

NANTUCKET YACHT CLUB, INC. DEED BK. 133, PG. 494. NO RECORD PLAN FOUND ASSOCIATOR'S MAP 42.4.2, PARCEL 59 #4 SOUTH BEACH STREET	NANTUCKET YACHT CLUB DEED BK. 134, PG. 127 NO RECORD PLAN FOUND ASSOCIATOR'S MAP 42.4.2, PARCEL 89 #3 WHALERS LANE
---	--



**BLACKWELL & ASSOCIATES, Inc.**  
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS  
20 TEASDALE CIRCLE  
NANTUCKET, MASSACHUSETTS 02554  
(508) 228-9026  
www.blackwellsurvey.com

**SITE PLAN OF LAND**  
In Nantucket, MA  
Prepared for  
**NANTUCKET YACHT CLUB**

Design/Drawn by P30 Date: APRIL 30, 2014  
Approved by LCA Scale: 1"=10'

NOTE:  
[G] AREA OF "TENNIS COURT" PARCEL IS APPROXIMATE AT THIS TIME. A FINAL PROPERTY LINE DETERMINATION ALONG THE NORTHEASTERN BOUNDARY WILL BE REQUIRED PRIOR TO A SUBDIVISION OF THIS PARCEL.

- LEGEND**
- dhCB ■ INDICATES CONCRETE BOUND WITH DRILLABLE FOUND
  - CB ■ INDICATES CONCRETE BOUND FOUND
  - I-PIPE ■ INDICATES IRON PIPE FOUND
  - CLF ——— INDICATES EXIST. CHAINLINK FENCE
  - SRF ——— INDICATES EXIST. SPLIT RAIL FENCE
  - PF ——— INDICATES EXIST. PICKET FENCE
  - HVAC □ INDICATES EXIST. HVAC UNIT
  - FAC □ INDICATES EXIST. FIRE ALARM BOX
  - T □ INDICATES EXIST. ELECTRIC TRANSFORMER
  - EHH □ INDICATES EXIST. ELECTRIC HANGAR
  - EM □ INDICATES EXIST. ELECTRIC METER
  - UP ——— INDICATES EXIST. UTILITY POLE
  - CA ——— INDICATES EXIST. CUY ANCHOR
  - OHV ——— INDICATES EXIST. OVERHEAD WIRES
  - LP ——— INDICATES EXIST. LAMP POST
  - CT ——— INDICATES EXIST. CATHODIN
  - WM ——— INDICATES EXIST. WATER METER
  - WS ——— INDICATES EXIST. WATER SHUT OFF
  - VE ——— INDICATES EXIST. GRADE SPOT ELEVATION
  - TC=5.84 INDICATES EXIST. TOP OF CURB ELEVATION
  - BC=5.63 INDICATES EXIST. BOTTOM OF CURB ELEVATION
  - VGC ——— INDICATES EXIST. VERTICAL GRANITE CURB
  - PP ——— INDICATES EXIST. PRIVATE DRIVE
  - C.S. ——— INDICATES EXIST. CONCRETE SLAB

**PROJECT PLAN(S)**



# Nantucket Yacht Club Dormitories

4 South Beach Street  
Nantucket, MA 02554

09.28.16

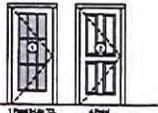
HDC Submission - Not For Construction



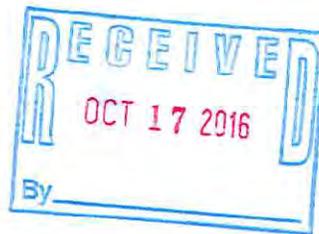
1 Locus Map  
1" = 306'



2 Window Types  
6" x 5" T&L



3 Door Types  
6" x 6" T&L



4 Site Plan  
1/8" = 1'-0"



West Elevation



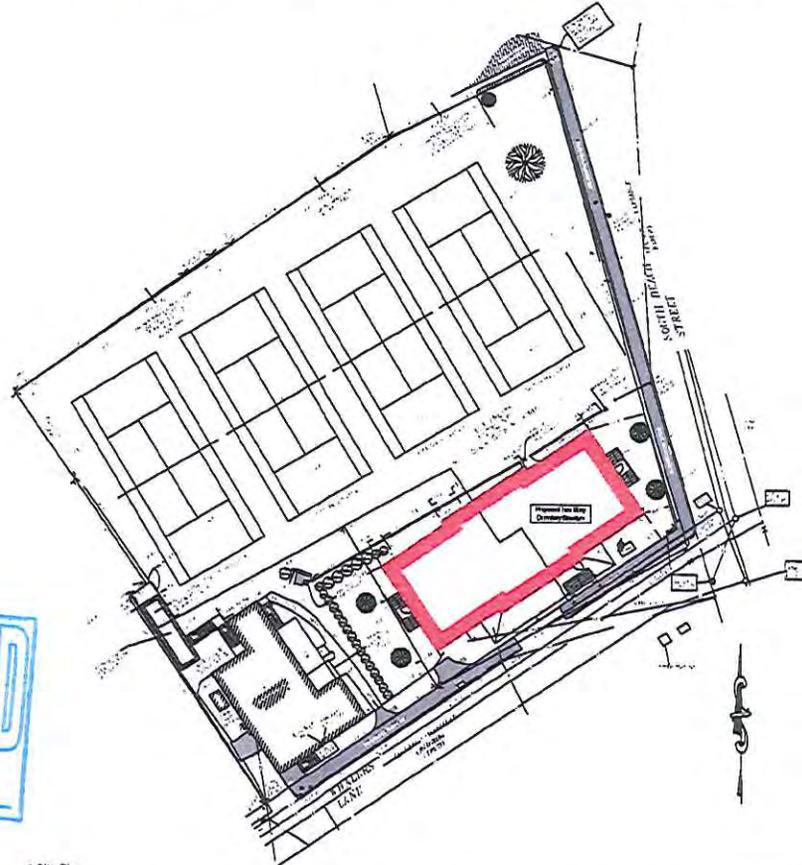
North Elevation



East Elevation



South Elevation



1431

Nantucket Yacht Club  
Dormitories  
4 South Beach Street  
Nantucket, MA 02554



Site Plan, Locus Map

Site Information

Map A Point	45.43M
Current Charge	027
Minimum Property	20 S.
Front Subject	15
Blotter Subject	10715
Lot Size	30,371 sq ft
Min. Lot Size	1,250 sq ft
Allowed G.C.	75% or 4,178 sq ft
Actual G.C.	4
Proposed G.C.	2,842 sq ft
Final Proposed G.C.	1,047 sq ft

Information for this site plan was taken from the Nantucket G.L.S. The drawings and text are not to be construed as a representation, and all work should be verified by the applicant. Land shown as private and being considered.

SHEET INDEX

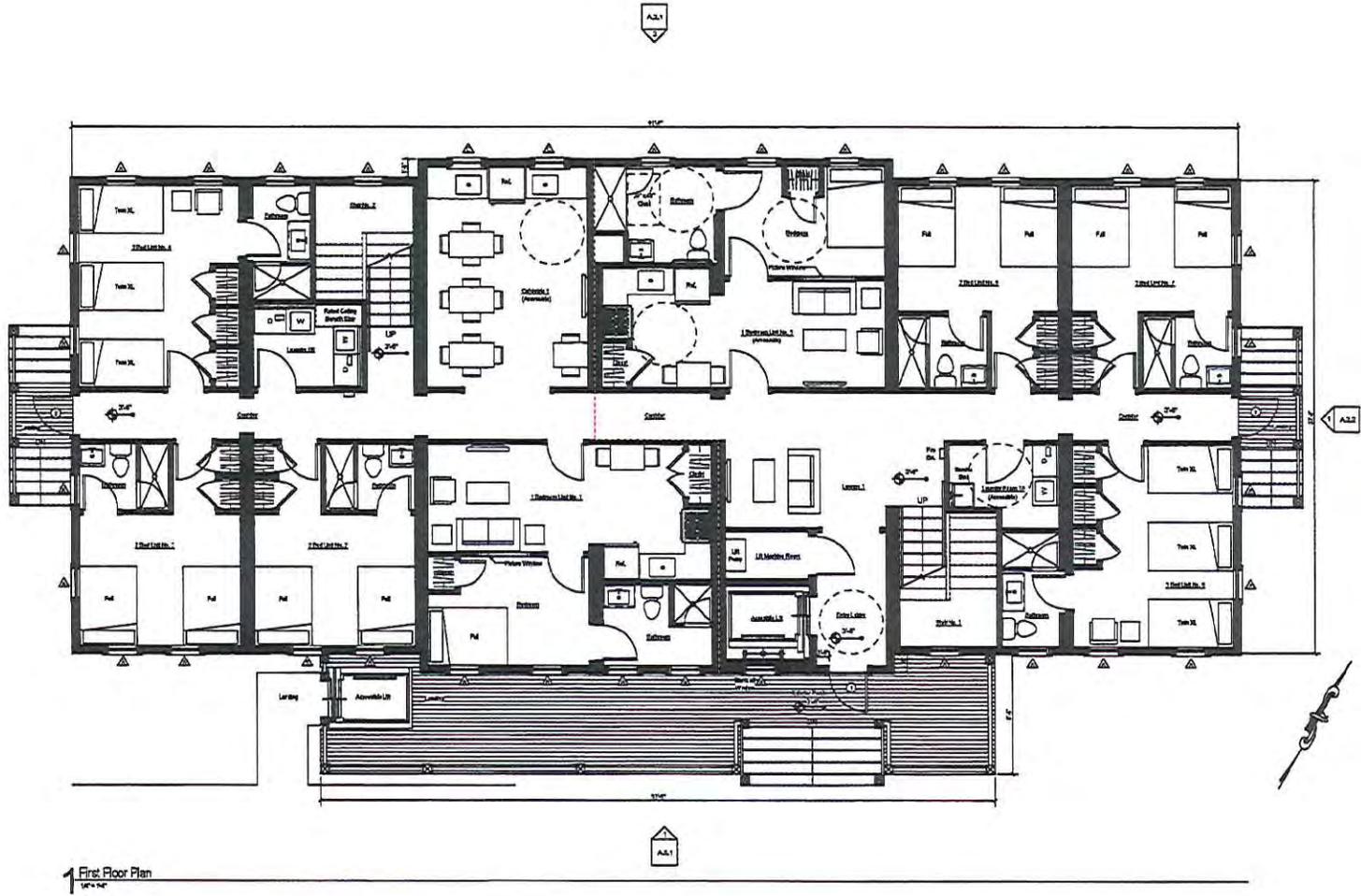
G.1.1	Site Plan, Locus Map
A.1.1	Final Site Plan
A.1.2	General Purpose Plan
A.1.3	Division
A.1.4	Division

Revisions

G.1.1  
1431

09.28.16

HDC Submission - Not For Construction



1 First Floor Plan

**1431**  
 Nantucket Yacht Club  
 Dormitories  
 4 South Beach Street  
 Nantucket, MA 02554



First Floor Plan

**Site Information**

Job #	1431
Client	NYC
Address	4 South Beach Street
Project Name	Dormitories
Scale	1/8" = 1'-0"
Lot Area	3,177 sq ft
Building Area	2,754 sq ft
Proposed G.C.	2,543 sq ft
Total Proposed G.C.	2,543 sq ft

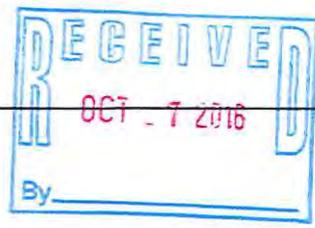
Information for this site plan was taken from the  
 recorded G.L.L. This drawing was prepared  
 on a standard grid. All dimensions should be verified by a Registered Land  
 Surveyor or other qualified professional.

**SHEET INDEX**

G.L.1	Site Plan, Lot Line
A.1.1	First Floor Plan
A.1.2	Second Floor Plan
A.1.3	Site Section
A.1.4	Site Section

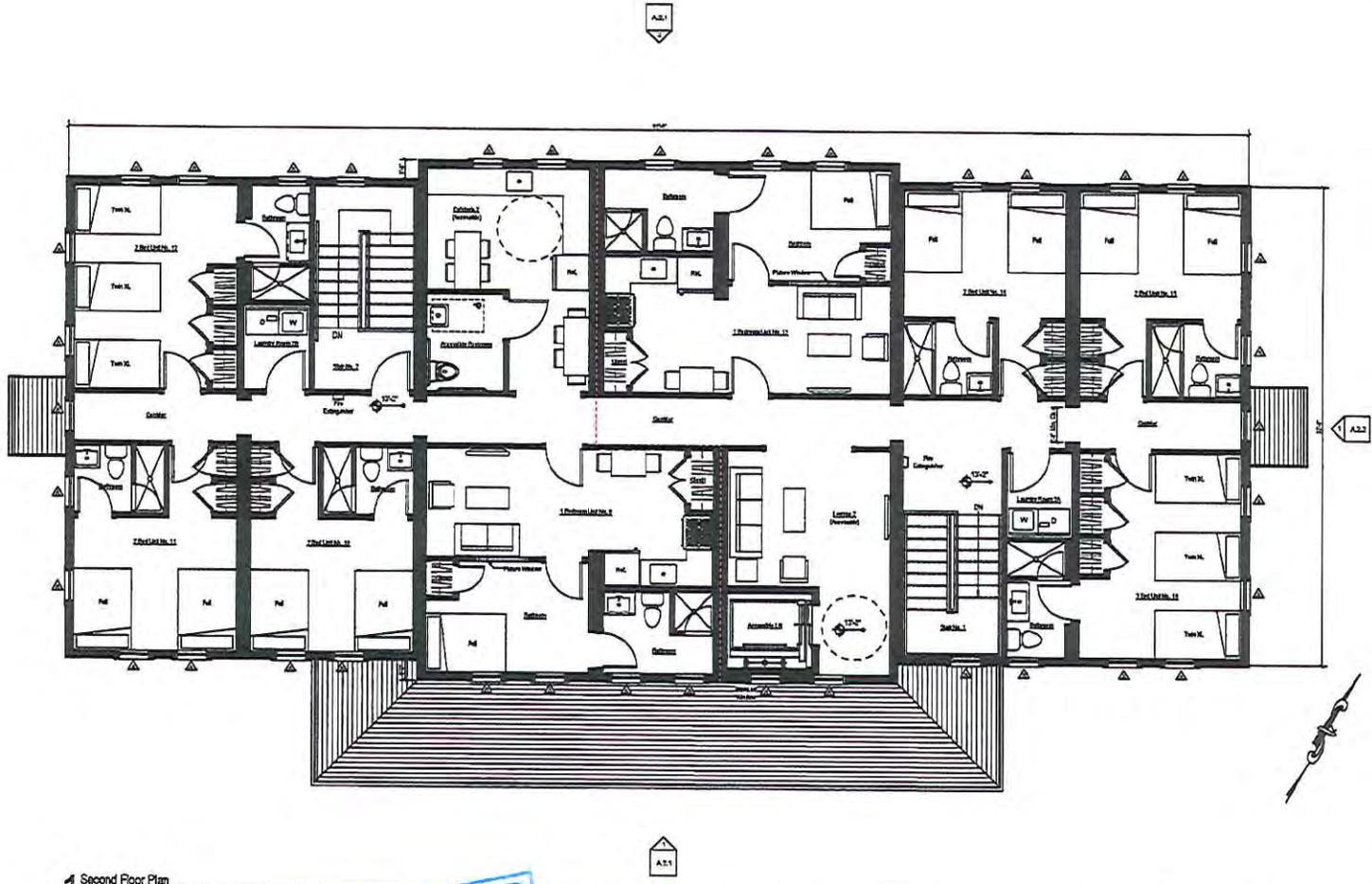
Revisions

**A.1.1**  
**1431**



09.28.16

HDC Submission - Not For Construction



1 Second Floor Plan  
1/8" = 1'-0"

**1431**  
 Nantucket Yacht Club  
 Dormitories  
 4 South Beach Street  
 Nantucket, MA 02554



Second Floor Plan

**Site Information**

Map A Point	42A200
County District	027
Municipal Planning	18 S
Plan Sheet	18
Sheet No.	107 E
Lot Area	35,772 sq ft
Approved G.C.	1,738 sq ft
Building G.C.	756 sq ft (178 sq ft)
Proposed G.C.	1,340 sq ft
Total Proposed G.C.	1,340 sq ft

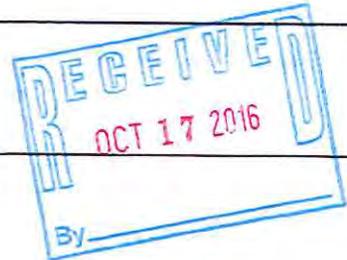
Information for this plan was taken from the  
 recorded G.C. The drawings are not  
 intended to be a final record. All site work  
 should be verified by Registered Land  
 Surveyors prior to any construction.

**SHEET INDEX**

- G.1.1 Site Plan, Lottery Map
- A.1.1 First Floor Plan
- A.1.2 Second Floor Plan
- A.1.3 Elevations
- A.1.4 Details

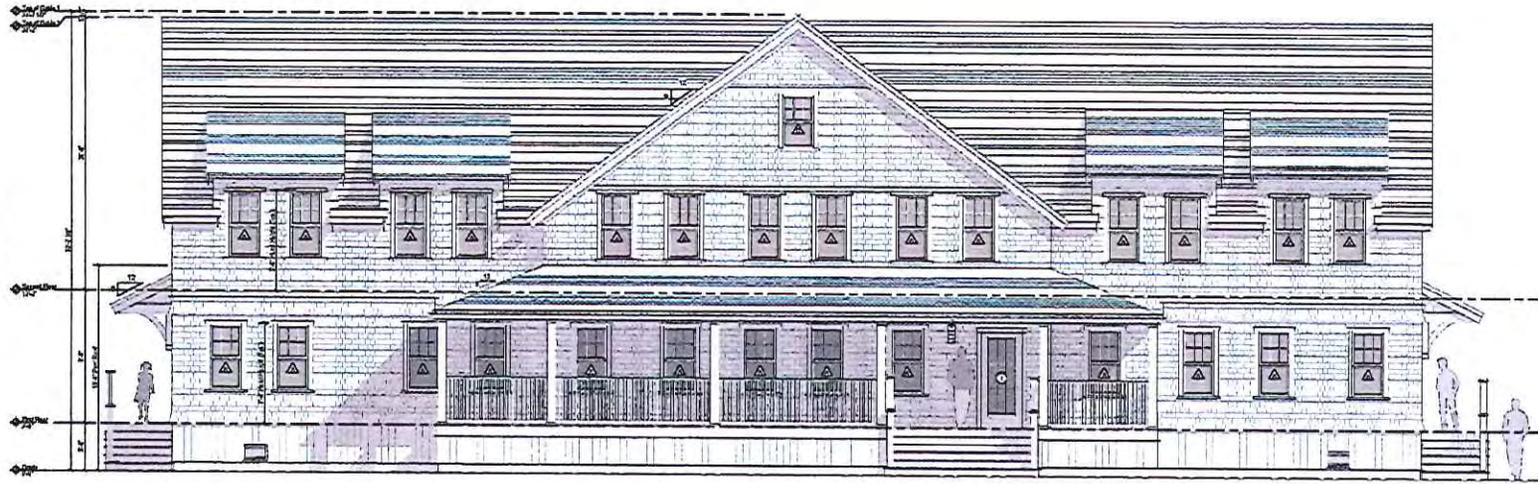
Revised

**A.1.2**  
**1431**

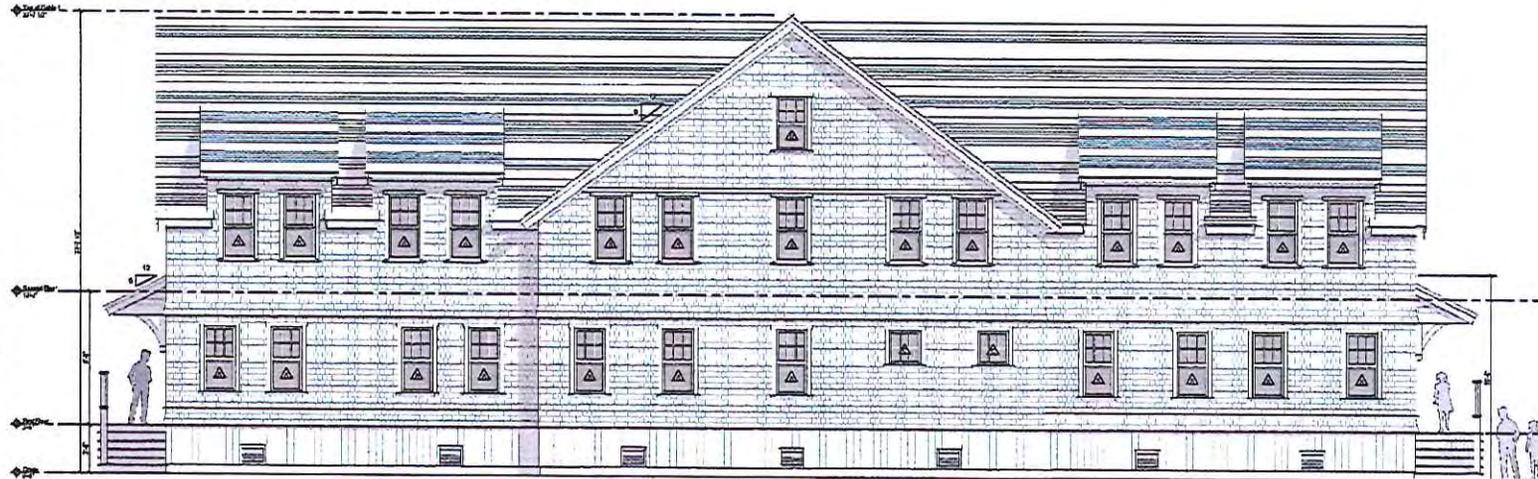


09.28.16

HDC Submission - Not For Construction



1 South Elevation - Proposed



2 North Elevation - Proposed

**1431**  
 Nantucket Yacht Club  
 Dormitories  
 4 South Beach Street  
 Nantucket, MA 02554



Elevations

Site Information

Map # Project	43A.039
Client/Owner	GC1
Address/Project	75 S
Project Number	#1
Site/Parcel Number	19718
Lot Area	36,373 sq ft
Min. Lot Size	1,756 sq ft
Allowed G.C.	75% of 179 sq ft
Existing G.C.	0
Proposed G.C.	1,500 sq ft
Total Proposed G.C.	1,500 sq ft

Minimum setbacks are shown on Submittal No. 1431-01-01. The proposed setbacks are shown in a red shaded area. All setbacks shall be verified by a registered Land Surveyor prior to any construction.

SHAFT INDEX

- GL1 0th Floor Level Map
- A.1.1 1st Floor Plan
- A.1.2 2nd Floor Plan
- A.1.3 3rd Floor Plan
- A.1.4 4th Floor Plan
- A.1.5 5th Floor Plan

Revisions

NO.	DATE	DESCRIPTION
1	09/28/16	Initial Set
2	10/17/16	Revised

**A.2.1**  
**1431**

RECEIVED  
 OCT 17 2016  
 By \_\_\_\_\_

09.28.16

HDC Submission - Not For Construction



**1431**  
 Nantucket Yacht Club  
 Dormitories  
 4 South Beach Street  
 Nantucket, MA 02554



**Elevations**

**Site Information**

Map # Project	45-349
Current Zoning	OS1
Minimum Footing	7' 6"
Front Setback	4'
Side/Rear Setback	4'-6" to 14'-0"
Lot Area	36,372 sq-ft
Site, Lot Size	17,760 sq-ft
Approved S.C.	17% or 4,176 sq-ft
Existing S.C.	4
Proposed S.C.	12.50 sq-ft
Total Proposed S.C.	1,340 sq-ft

Information for this site plan was taken from the Nantucket GIS. This drawing does not constitute a professional opinion. All information should be verified by the Regional Land Supervisor prior to any construction.

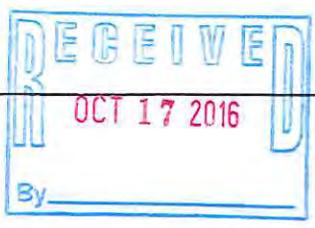
**SHEET INDEX**

- 01.1 Site Plan, Lot and Map
- A.1 First Floor Plan
- A.2 Second Floor Plan
- A.3 Elevations
- A.4 Elevations

**Revisions**

NO.	DATE	DESCRIPTION
1	09/28/16	Initial Design
2	10/17/16	Revised Design

**A.2.2**  
**1431**



# REQUESTS FOR DETERMINATION



# REQUEST FOR DETERMINATION OF APPLICABILITY APPLICATION

For  
A Sewer System Connection  
In the Buffer Zone

At

5 Polliwog Pond Road  
Nantucket, MA

October 2016

Prepared For

**PETER FINCH**



# 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:

Peter Finch

Name

E-Mail Address

5 Polliwog Pond Rd

Mailing Address

Nantucket

City/Town

MA  
State

02554  
Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Nantucket Engineering & Survey, P.C.

Firm

Arthur D. Gasbarro, PE, PLS

Contact Name

art@NantucketEngineer.com

E-Mail Address

20 Mary Ann Drive

Mailing Address

Nantucket

City/Town

MA  
State

02554  
Zip Code

508-825-5053

Phone Number

Fax Number (if applicable)

## B. Determinations

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

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

Nantucket

Name of Municipality

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



# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description

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

<u>5 Polliwog Pond Rd</u>	<u>Nantucket</u>
Street Address	City/Town
<u>55</u>	<u>423.3</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

The subject property is located in the mid-island area of Nantucket. The area is developed residentially, with a mix of sewer and septic serviced properties. The Bordering Vegetated Wetland resource area boundary is delineated by flags 1 through 4 at the site.

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

<u>Plan to Accompany Sewer Connection Application</u>	<u>10/21/16</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):

The Applicant proposes to abandon a septic system and connect to Town Sewer.



## 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).

All work is located greater than 50-feet from the resource area, on the opposite side of an existing dwelling. No waivers are required from applicable regulations.

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:

Peter Finch

Name

5 Polliwog Pond 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.



Signature of Applicant

Agent

10/27/16

Date



Signature of Representative (if any)

10/27/16

Date

Property

Address 5 POLLIWOG POND RD

ID 55 423.3

Ownership

Name FINCH PETER V W

Address 5 POLLIWOG POND RD,  
NANTUCKET, MA 02554

Information

Total \$632,500

Land \$350,700

Last Sale \$230,000 on 1994-11-08

Book/Page 00458/0083

Details

Area 0.29 AC

Zone R10



**SANITARY SEWER CONSTRUCTION NOTES**

- 1) House/Building services to be 6" PVC (SDR-35); MIN slope 1/8" per ft; with single rubber gasket bell.
- 2) Water and sewer separation: Sewers shall be laid at a minimum of 10 ft. horizontally from the existing water line. Whenever sewers must cross under water main, the sewer shall be laid at least 18 inches below the bottom of the water main. When the elevation to the sewer cannot be adjusted to comply with the above requirement, the contractor shall encase the sewer line in concrete for a distance of 10 feet on each side of the water main.
- 3) At time sewer system is installed, a pressure test and leakage test shall be performed. (See specifications provided on approved plans.) Test to be conducted by contractor under the direction of the Town of Nantucket Engineer. Tests to be performed to the satisfaction of Inspecting Engineer. Design Engineer is to be notified as to when test is to be performed so that he/she may be present during Testing, only after all underground utilities have been installed.
- 4) Sanitary Sewer Testing - In addition to the low pressure air test, a pipe deflection test will be required using a multi-arm mandrel. The test shall be performed within one of the following limits once sanitary sewer has been installed. 3-6 months - 2 1/2% (percent) mandrel; Over 6 months - 5% (percent). Test is to be performed under the same guidance requirements as the low pressure air test. Test is to be performed only after all underground utilities have been installed.
- 5) Contractor must comply with all standards and specifications for the installation of a sanitary sewer in the Town of Nantucket. These standards are available from the D.P.W., Madaket Road. Contractors work must meet or exceed these specifications or he/she will be responsible for any upgrades to the required standards.
- 6) Contractor must comply with all Code of Federal Regulations that deal with Occupational Safety and Health Administration (OSHA) requirements (TITLE 29 - LABOR / Part 1926). As revised: July 1, 1997.
- 7) Prior to construction, contractor must review all Sanitary Sewer structure requirements prior to ordering of such materials.
- 8) Sewer Main wye's to be PVC gasketed sewer fittings (T-WYE, GxGxG) WYE set @ 2 o'clock or 10 o'clock positions. Plugs to be set @ all sewer wye's and laterals

**GENERAL NOTES**

- 1) The contractor(s) shall notify the Design Engineer / Surveyor for proper location of proposed utilities and improvements prior to construction. The location of existing utilities are approximate only. The proper utility companies shall be notified by the contractor to field verify underground locations. Contractor must contact DIG-SAFE @1-888-344-7233.
- 2) The contractor shall provide for the safe and orderly passage of traffic and pedestrians in areas under construction.
- 3) Areas outside limits of work disturbed by the contractor during construction will be restored to their original condition at the expense of the contractor.
- 4) Removal of trees and /or hedges in areas adjacent to the proposed travel way is to be done only upon direction of the engineer and after verification of the location of the back of proposed work, by the contractor.
- 5) The contractor shall be responsible for all disturbed areas until a suitable vegetative growth has been established.
- 6) No variation to these plans may be undertaken without written authorization by the Design Engineer. Design engineer must be notified if field revisions are required.

**NOTES:**

"COVER" AT ANY POINT SHALL BE DEFINED AS THE VERTICAL DISTANCE FROM THE UNDERMOST POINT OF THE PIPE TO A LINE WHICH CONNECTS THE SURFACE OF UNDISTURBED GROUND AT EITHER SIDE OF THE TRENCH AND IS AT RIGHT ANGLES TO THE DIRECTION OF THE PIPE.

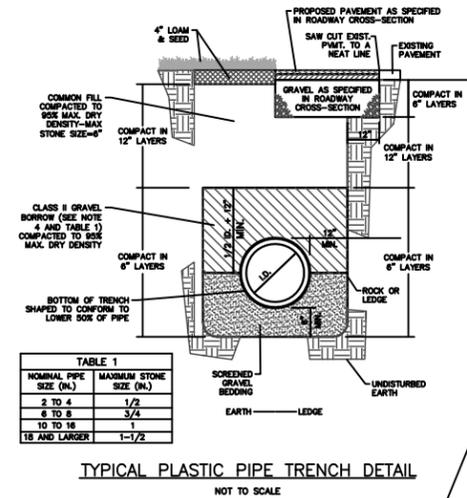
SCREENED GRAVEL SHALL BE HARD, DURABLE, ROUNDED PARTICLES, FREE FROM SAND, LOAM, CLAY, EXCESS FINES AND DELETERIOUS MATERIAL, UNIFORMLY GRADED SUCH THAT NOT LESS THAN 95% WILL PASS A 1/2 INCH SIEVE AND NOT MORE THAN 5% PASS A NO. 4 SIEVE.

CLASS II GRAVEL BORROW SHALL BE A CLEAN, COARSE GRAINED GRAVEL-SAND MIXTURE. THE MIXTURE SHOULD CONTAIN LESS THAN 5% PASSING THE #200 SIEVE AS WELL AS COMPLYING TO THE REQUIREMENTS OF TABLE 1.

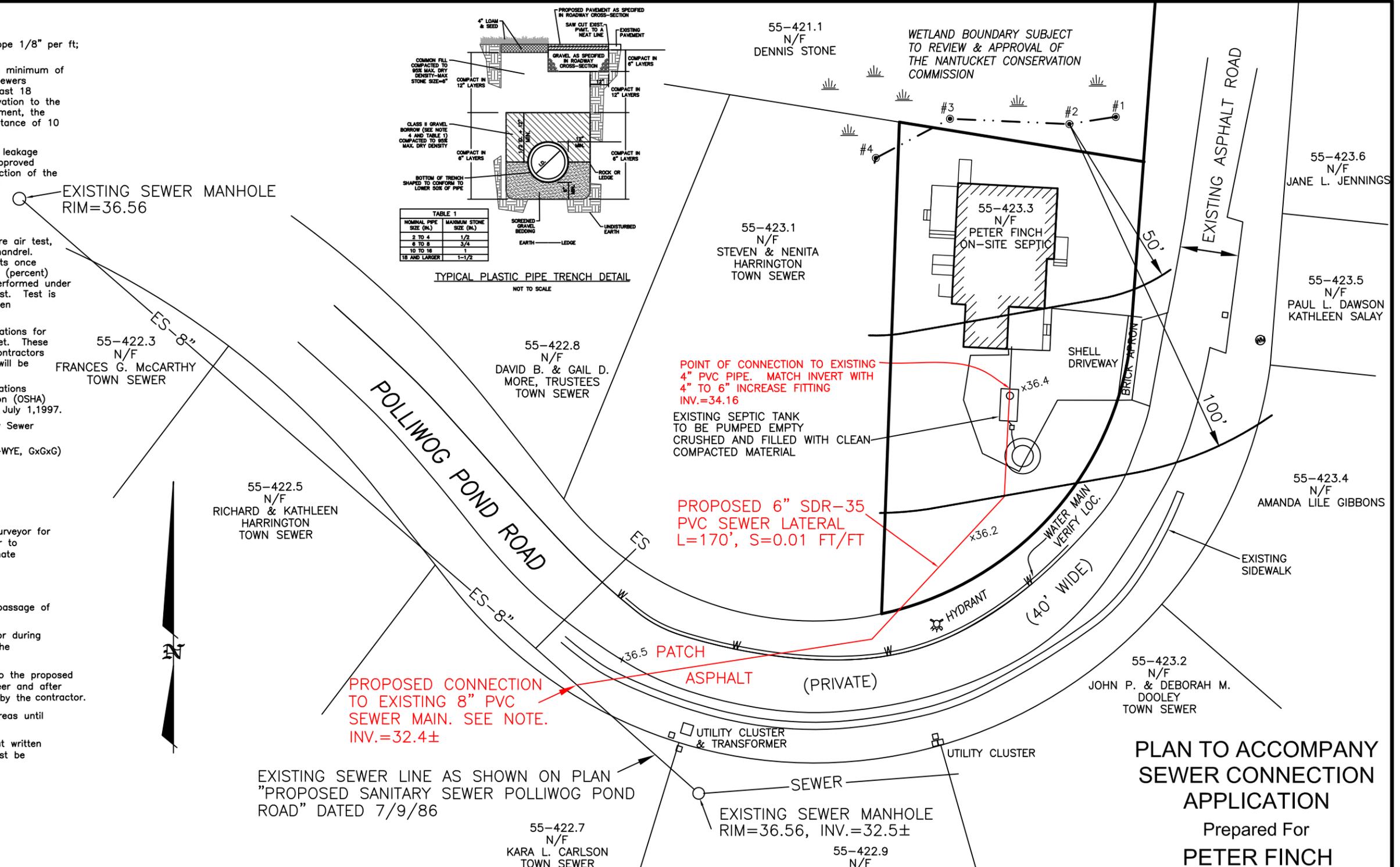
WHERE FUTURE EXTENSION OF A PLUGGED PIPE OR A PLUGGED BRANCH WILL ENTAIL ROCK EXCAVATION. TRENCH EXCAVATION IN ROCK SHALL BE EXTENDED FOR A DISTANCE OF 5'-0" BEYOND THE PLUG.

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET PUBLIC WORKS DEPARTMENT 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.

SEWER LINE TO BE INSTALLED, TESTED & INSPECTED IN ACCORDANCE WITH TOWN OF NANTUCKET REGULATIONS AND SPECIFICATIONS



NOMINAL PIPE SIZE (IN.)	MAXIMUM STONE SIZE (IN.)
2 TO 4	3/4
6 TO 8	3/4
10 TO 18	1
18 AND LARGER	1-1/2



**PLAN TO ACCOMPANY SEWER CONNECTION APPLICATION**

Prepared For  
**PETER FINCH**  
#5 Polliwog Pond Road  
Map 55 Parcel 423.3  
Scale: 1"=30' October 21, 2016



Laurentide Environmental, LLC  
14 South Shore Road  
Nantucket, MA 02554

e-mail: laurentideenvironmental@comcast.net

(508) – 332 – 9722

**Field Inspection Report**

**Date:** October 31, 2016

**Applicant / Owner:** Peter Finch

**Location:** 5 Polliwog Pond Road

**Agent:**

**Comments:** Developed lot off Polliwog Pond Road. Proposal is to replace existing septic system with a connection to Municipal sewer.

The proposed work is located on the upland side of the existing dwelling and mostly in the existing driveway.

**Questions and Recommendations:**

Recommend that the work be done under the RDA as described in the submitted paperwork.

**Inspector:** B. Perry

**REQUEST FOR DETERMINATION  
OF APPLICABILITY**

For Confirmation Of Wetland Boundary

At

40 Squam Road  
Nantucket, MA

October 2016

Prepared for

**James M. Godec**

By

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



# 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:
- James M. Godec  
Name
- 105 Holland Rd  
Mailing Address
- Brookline  
City/Town
- MA  
State
- 02445  
Zip Code
- Phone Number
- igodec@overlandcapital.com  
E-Mail Address
- Fax Number (if applicable)
2. Representative (if any):
- Blackwell & Associates, Professional Land Surveyors  
Firm
- Jeff Blackwell  
Contact Name
- 20 Teasdale Circle  
Mailing Address
- Nantucket  
City/Town
- (508) 228-9026 x11  
Phone Number
- jeff@blackwellsurvey.com  
E-Mail Address
- MA  
State
- 02554  
Zip Code
- Fax Number (if applicable)

## B. Determinations

1. I request the Nantucket \_\_\_\_\_ make the following determination(s). Check any that apply:  
Conservation Commission
- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:
- Nantucket  
Name of Municipality
- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description

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

40 Squam Road	Nantucket
Street Address	City/Town
Assessors Map 13	Parcel 27
Assessors Map/Plat Number	Parcel/Lot Number

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

The property is comprised of a single family dwelling, on-site septic system, well and associated landscaping.

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

Land Court Case 13857-B, Lot A	November, 1936
Title	Date
Site Plan of Land To Accompany RDA Application by Blackwell & Assoc.	10/28/16
Title	Date
Title	Date

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

Permission is requested to cut brush north and south of the house.



## 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).

All brush cutting will be 38' away from the wetland boundary.

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:

James M. Godec

Name

105 Holland Rd.

Mailing Address

Brookline

City/Town

MA

State

02445

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 Rankoee, Agent  
Signature of Applicant

10-28-16  
Date

Jeff Rankoee  
Signature of Representative (if any)

10-28-16  
Date

**D.E.P. Bordering Vegetated Wetland**

**Delineation Field Data Forms**

**By:**

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

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

Applicant: \_\_\_\_\_ Prepared by: LEC Environmental Project location: 40 Squam Rd DEP File #: \_\_\_\_\_  
Nantucket

Check all that apply:

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

Section I. **Vegetation** Observation Plot Number: 1 Transect Number: 1 Date of Delineation: 12/7/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u>				
Common greenbrier ( <i>Smilax rotundifolia</i> )	38.0	78.4%	Y	FAC *
bush honeysuckle ( <i>Lonicera</i> spp)	10.5	21.6	Y	NI
<u>Shrub</u>				
Highbush blueberry ( <i>Vaccinium corymbosum</i> )	20.5	25.0%	Y	FACW- *
Arrowwood ( <i>Viburnum dentatum</i> )	20.5	25.0	Y	FAC *
Bush honeysuckle	20.5	25.0	Y	NI
sweet pepperbush ( <i>Clethra alnifolia</i> )	20.5	25.0	Y	FAC+ *
<u>Sapling</u>				
Black cherry ( <i>Prunus serotina</i> )	10.5	100%	Y	FACU
<u>Vine</u>				
Fox grape ( <i>Vitis labrusca</i> )	10.5	100%	Y	FACU

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

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 4 Number of dominant non-wetland indicator plants: 4

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BWB boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP; 3/95

T1, P1

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes no  
 title/date: Soil Survey of Nantucket County, June 1979  
 map number: 5  
 soil type mapped: EVB, RFB, Wa A  
 hydric soil inclusions: Be

Are field observations consistent with soil survey?  yes no  
 Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	1-0"		
A	0-15	10YR 3/3	Sandy loam N/A
B	15-24"	10YR 5/4	Sandy loam 10YR 3/3

Remarks: Plot taken w/ hand-held auger  
 3. Other: downgradient of wetland Flag # 16-

Conclusion: Is soil hydric?  yes no  
 Per Bylaw

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: Wetland Interior
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: Wetland Interior
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: Wetland Interior
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : \_\_\_\_\_
- Other: \_\_\_\_\_

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

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

Appendix G

Delineating Bordering Vegetated Wetlands

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

Applicant: \_\_\_\_\_ Prepared by: LEC Environmental Project location: 40 Squam Rd DEP File #: \_\_\_\_\_  
Nantucket, MA

Check all that apply:

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

## Section I. Vegetation

Observation Plot Number: 2 Transect Number: 1 Date of Delineation: 12/7/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u>				
Bush honeysuckle ( <i>Lonicera</i> spp)	20.5	100%	Y	NI
<u>Shrub</u>				
Bush honeysuckle	98.0	100%	Y	NI
<u>Vine</u>				
Fox grape ( <i>Vitis labrusca</i> )	38.0	92.7	Y	FACU
Japanese honeysuckle ( <i>Lonicera japonica</i> )	3.0	7.3	N	—

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

## Vegetation conclusion:

Number of dominant wetland indicator plants: 0 Number of dominant non-wetland indicator plants: 3Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BWB boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP: 3/95

## Section II. Indicators of Hydrology

## Hydric Soil Interpretation

## 1. Soil Survey

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

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

map number: 5

soil type mapped: E, B, RFB, L, A

hydric soil inclusions: Be

Are field observations consistent with soil survey?  yes no

Remarks:

## 2. Soil Description

Horizon Depth Matrix Color Mottles Color

Horizon	Depth	Matrix Color	Mottles Color
O	1-0"		
A	0-18"	10YR 3/3 sandy loam	N/A
B	18-24"	10YR 5/4 sandy loam	10YR 3/3

Remarks: Plot taken w/ hand held auger

3. Other: up gradient of wetland flag #16.

Conclusion: Is soil hydric? yes  no 

N/A

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

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

## Vegetation and Hydrology Conclusion

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

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

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

EXISTING  
57,963 S.F.±  
SEE PLAN  
SEE PLAN  
SEE PLAN  
3.2%

MINIMUM LOT SIZE: 40,000 S.F.  
MINIMUM FRONTAGE: 100 FT.  
FRONT YARD SETBACK: 35 FT.  
REAR/SIDE SETBACK: 10 FT.  
GROUND COVER %: 7%

14-19  
N/F  
MAUREEN L. BLITMAN  
& HOWARD N. BLITMAN, TRUSTEES  
BLITMAN NANTUCKET NOMIEE TRUST  
CERT. 19598  
LCC 15961-26, LOT 152  
#81 WAUWINET ROAD

13-36  
N/F  
NANTUCKET CONSERVATION FOUNDATION  
CERT. 21121  
LCC 43143-A  
#36 SQUAM ROAD

**OWNER INFORMATION**

JAMES M. GODEC  
CERT. OF TITLE #25984  
L.C.C. 13857-B, LOT A  
ASSESSOR'S MAP 13, PARCEL 27  
#40 SQUAM ROAD

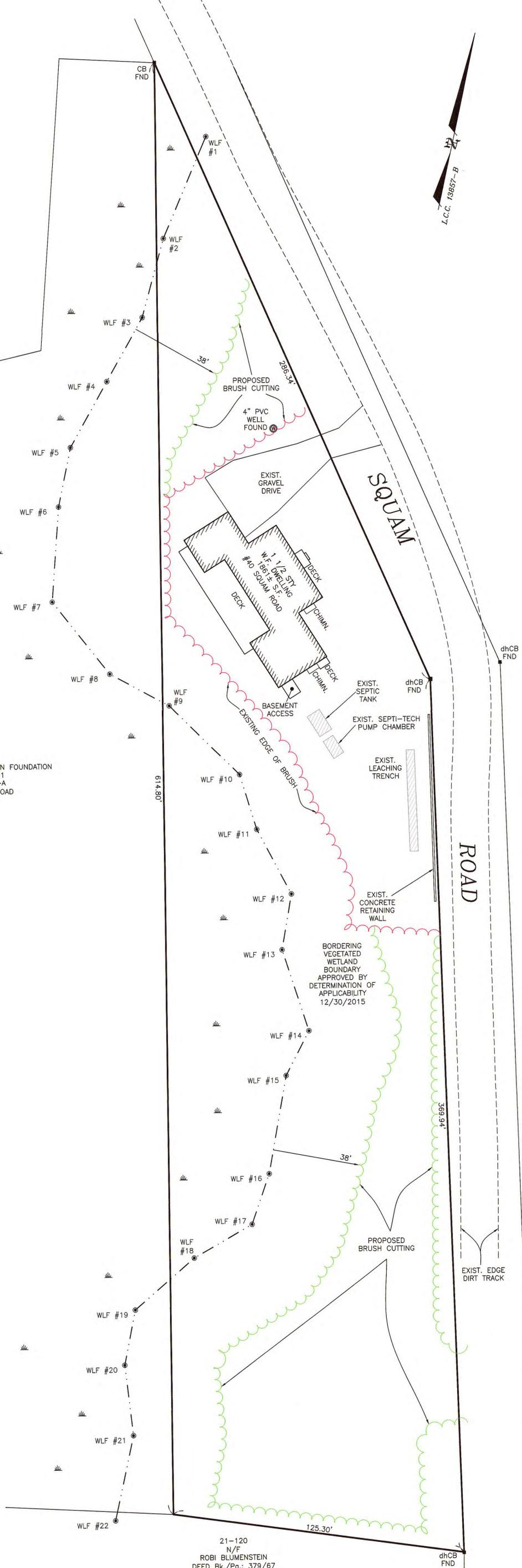
21-120  
N/F  
ROBI BLUMENSTEIN  
DEED Bk./Pg.: 379/67  
#32 SQUAM ROAD

- LEGEND**
- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
  - WLF#4 ● DENOTES BORDERING VEGETATED WETLAND FLAG FOUND
  - DENOTES BORDERING VEGETATED WETLAND RESOURCE AREA DELINEATION
  - DENOTES EXISTING LAWN-BRUSH LINE
  - DENOTES PROPOSED LIMIT OF WORK

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

NOTE:  
RESOURCE AREA DELINEATION SUBJECT TO REVIEW BY NANTUCKET CONSERVATION COMMISSION.

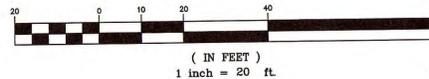
NOTE:  
LOCUS LIES WITHIN NHESP PRIORITY HABITAT 15.



Site Plan of Land  
To Accompany a  
Request for Determination  
of Applicability  
in Nantucket, MA  
Prepared for  
**JAMES M. GODEC**

CERT. OF TITLE #25984  
#40 SQUAM ROAD  
ASSESSOR'S MAP 13, PARCEL 27  
Scale: 1" = 20' OCTOBER 28, 2016  
**BLACKWELL & ASSOCIATES, Inc.**  
Professional Land Surveyors  
20 TEASDALE CIRCLE  
NANTUCKET, MASS. 02554  
(508) 228-9026

GRAPHIC SCALE



Laurentide Environmental, LLC  
14 South Shore Road  
Nantucket, MA 02554

e-mail: laurentideenvironmental@comcast.net

(508) – 332 – 9722

**Field Inspection Report**

**Date:** October 31, 2016

**Applicant / Owner:** James M. Godec

**Location:** 40 Squam Road

**Agent:** Blackwell & Associates – Jeff Blackwell

**Comments:** Developed lot off Squam Road bordering Squam Swamp near Squam Pond.

The buffer zone between the house and the flagged is thickly vegetated with shrubs and vines.

The proposed new cutting is to be no closer than 38 feet from the wetland boundary. This limit of work is shown on the plans.

The wetland boundary as flagged is correct.

**Questions and Recommendations:**

Due to the thickness of the vegetation and the slope to the wetland, the limit of work should be flagged up high in the shrubs prior to the commencement of work so that machinery can find the limits approved under this RDA.

Spoke with the owner on-site after inspecting the flags concerning flagging the limits of work prior to the brushcutting. He was amenable to talk with Blackwell & Associates about having this done.

**Inspector:** B. Perry

# CERTIFICATES OF COMPLIANCE

**Main Office:**  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
Tel (508) 833-0070  
Fax (508) 833-2282



**Nantucket Office:**  
19 Old South Road  
Nantucket, MA 02554  
Tel (508) 325-0044

November 4, 2016

**HAND DELIVERY**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Certificate of Compliance Request  
7 South Cambridge Street  
Map 59.4, Parcel 132  
SE48-2680**

Dear Commission Members:

On behalf of our client Goose Cove, LLC, (c/o Thomas Johnson) enclosed with this letter is the WPA Form 8A, Septic As-Built plan dated 11/3/2016 and a check for \$25.00 for the Bylaw filing fee.

To the best of my knowledge, all work has been completed in substantial conformance with the approved plans. If you have any further questions, please do not hesitate to contact me at 508-325-0044 or [don@brackeneng.com](mailto:don@brackeneng.com).

Sincerely,

**Bracken Engineering, Inc.**

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', written in a cursive style.

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

Enclosures



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 8A – Request for Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
 The Town of Nantucket Wetlands Bylaw Chapter 136

DEP File Number:

SE48-2680  
 Provided by DEP



**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.

**A. Project Information**

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

Goose Cove, LLC c/o Thomas Johnson  
 Name  
 39B Milk Street  
 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 (as Amended) issued to:

Goose Cove, LLC c/o Thomas Johnson  
 Applicant  
 April 6, 2016 SE48-2680  
 Dated DEP File Number

3. The project site is located at:

7 South Cambridge Street Nantucket  
 Street Address City/Town  
 Map 59.4 Parcel 132  
 Assessors Map/Plat Number Parcel/Lot Number

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

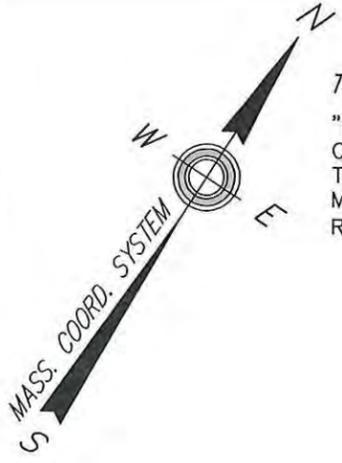
Goose Cove, LLC c/o Thomas Johnson  
 Property Owner (if different)  
 Nantucket  
 County Book Page  
 24826  
 Certificate (if registered land)

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.



TO THE TOWN OF NANTUCKET:

"I CERTIFY THAT THE SEPTIC SYSTEM HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE TERMS OF THE PERMIT AND THE APPROVED DESIGN PLAN AND MEETS THE REQUIREMENTS OF THE TOWN AND STATE REGULATIONS, AS-BUILT".

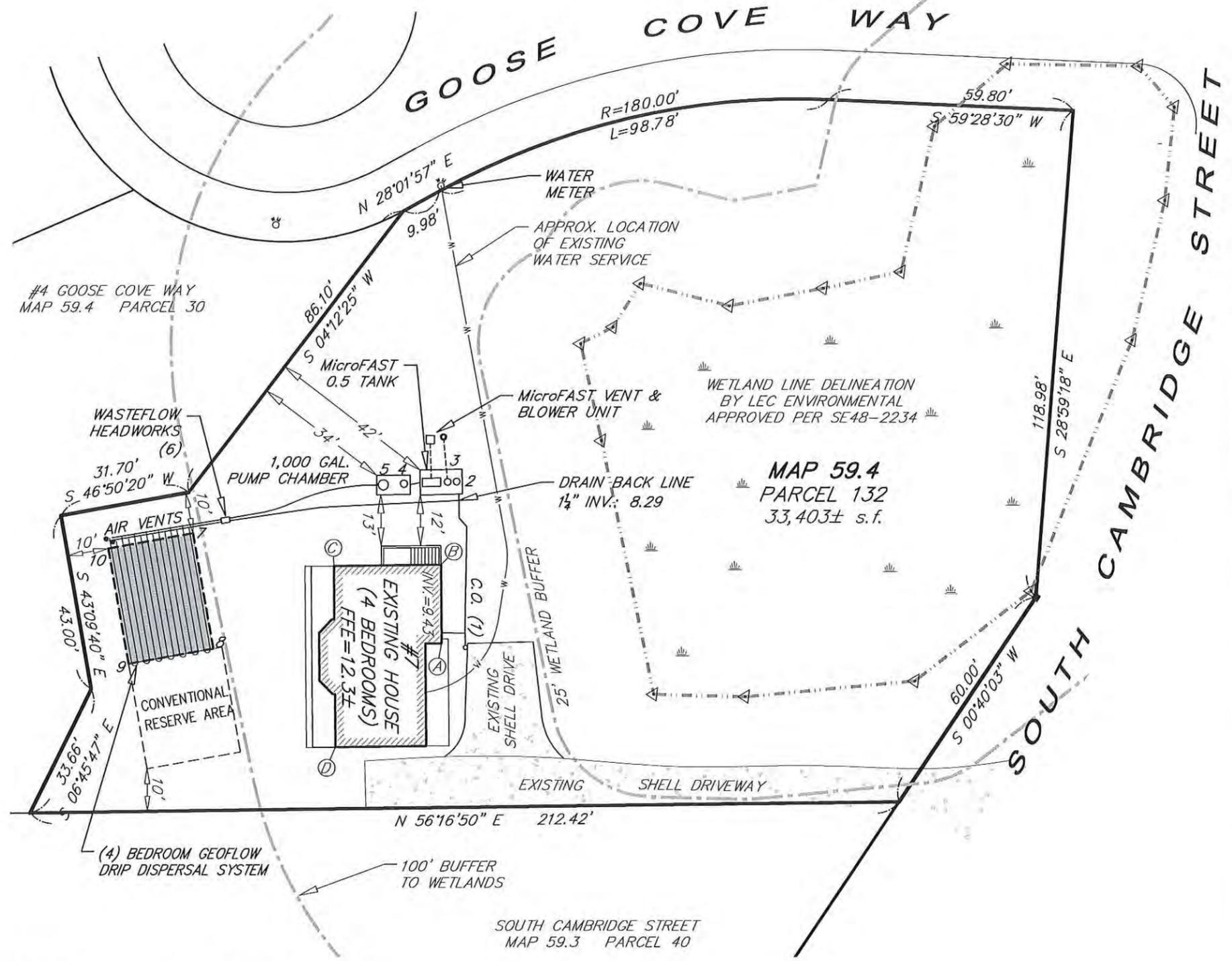


*Donald F. Bracken, Jr.*  
DONALD F. BRACKEN, JR., PE

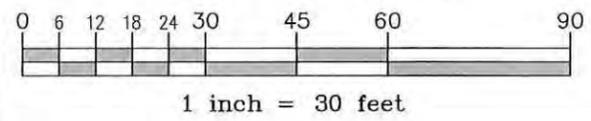
INSTALLER

SEPTIC SYSTEM "TIES"

	A	B	C	D	DESCRIPTION
1)	5.9'	21.0'	-	-	C.O.
2)	-	20.6'	36.3'	-	MicroFAST TANK INLET LID
3)	-	20.3'	34.5'	-	MicroFAST TANK MIDDLE LID
4)	-	21.8'	26.4'	-	PUMP CHAMBER INLET LID
5)	-	24.1'	23.2'	-	PUMP CHAMBER OUTLET LID
6)	-	-	28.8'	61.8'	WASTEFLOW HEADWORKS
7)	-	-	35.4'	62.9'	CORNER LEACHING FIELD
8)	-	-	35.6'	38.4'	CORNER LEACHING FIELD
9)	-	-	55.5'	54.6'	CORNER LEACHING FIELD
10)	-	-	55.3'	73.9'	CORNER LEACHING FIELD



PLAN SCALE



INVERT SCHEDULE	
INVERT OUT HOUSE	9.43
INVERT IN MicroFAST	8.05
INVERT OUT MicroFAST	7.77
INVERT IN PUMP CHAMBER	7.69
INVERT OUT PUMP CHAMBER	7.37
INVERT IN LEACH FIELD	10.37



49 HERRING POND ROAD BUZZARDS BAY, MA 02532  
19 OLD SOUTH ROAD NANTUCKET, MA 02554  
(tel) 508.833.0070 (tel) 508.325.0044  
(fax) 508.833.2282 www.brackeneng.com

SEPTIC AS-BUILT PLAN IN NANTUCKET, MASSACHUSETTS

Prepared for:  
**GOOSE COVE, LLC**  
#7 SOUTH CAMBRIDGE STREET  
MAP 59.4 PARCEL 132

Revised: NOVEMBER 3, 2016  
Date: OCTOBER 28, 2016  
Drawn: ERC/PCM/BEI  
Checked: DFB

**Main Office:**  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
Tel (508) 833-0070  
Fax (508) 833-2282



**Nantucket Office:**  
19 Old South Road  
Nantucket, MA 02554  
Tel (508) 325-0044

November 8, 2016

**HAND DELIVERY**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Certificate of Compliance Request  
23 Commercial Wharf  
SE48-2604**

Dear Commission Members:

On behalf of the Applicant, 23 Commercial Wharf JA, LLC, (c/o Kevin Dale, Esq., Vaughn, Dale, Hunter & Beaudette, PC) enclosed with this letter is the WPA Form8A and a check for \$25.00 for the Bylaw filing fee.

This permit has expired and no work was completed regarding the relocation or renovation of the existing dwelling. If you have any further questions, please do not hesitate to contact me at 508-325-0044 or [don@brackeneng.com](mailto:don@brackeneng.com).

Sincerely,

**Bracken Engineering, Inc.**

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', is written over the typed name.

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

Enclosures



**WPA Form 8A – Request for Certificate of Compliance**

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

**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:(current Title holder):  
23 Commercial Wharf JA, LLC c/o Kevin Dale, Esq., Vaughn, Dale, Hunter & Beaudette, PC  
 Name  
P.O. Box 659  
 Mailing Address  
Nantucket MA 02554  
 City/Town State Zip Code  
508-228-4455  
 Phone Number
  
2. This request is in reference to work regulated by a final Order of Conditions issued to:  
23 Commercial Wharf JA, LLC c/o Kevin Dale, Esq., Vaughn, Dale, Hunter & Beaudette, PC  
 Applicant  
October 16, 2013 SE48-2604  
 Dated DEP File Number
  
3. The project site is located at:  
23 Commercial Wharf Nantucket  
 Street Address City/Town  
Map 42.2.4 Parcel 5  
 Assessors Map/Plat Number Parcel/Lot Number
  
4. The final Order of Conditions was recorded at the Registry of Deeds for: (name on Order)  
23 Commercial Wharf, JA, LLC  
 Property Owner (if different)  
Nantucket  
 County Book Page  
24768  
 Certificate (if registered land)
  
5. This request is for certification that (check one):  
 the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

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

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**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>).



November 8, 2016

Mr. Andrew Bennett, Chair  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

RE: Certificate of Compliance  
201 Eel Point Road  
Map 38 Parcel 32  
SE48-2823

Dear Mr. Chairman:

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, WPA Form 8A, \$25 filing fee, and front-page copy of the Order recorded at the Nantucket Registry of Deeds.

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

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

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



**WPA Form 8A – Request for Certificate of Compliance**

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

**A. Project Information**

**Important:**

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



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

1. This request is being made by:

Sunset Realty Trust, Robert Friedman Trustee  
Name  
68 Island Drive  
Mailing Address  
Rye NY 10580  
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:

Sunset Realty Trust, Robert Friedman Trustee  
Applicant  
9/16/15 SE48-2823  
Dated DEP File Number

3. The project site is located at:

201 Eel Point Road Nantucket  
Street Address City/Town  
38 32  
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  
25295  
Certificate (if registered land)

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



**WPA Form 8A – Request for Certificate of Compliance**

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

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**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>).



2015 00149380

Cert: 25295 Doc: OOC  
Registered: 09/24/2015 01:57 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- 2823

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:

Steven L.

a. First Name

Cohen, Trustee

b. Last Name

Sunset Realty Trust

c. Organization

34 Main St, 2<sup>nd</sup> Floor

d. Mailing Address

Nantucket

e. City/Town

MA

f. State

02554

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:

201 Eel Point Road

a. Street Address

Nantucket

b. City/Town

38

c. Assessors Map/Plat Number

32

d. Parcel/Lot Number

Latitude and Longitude, if known:

41d 17' 11"N

d. Latitude

70d 10' 43"W

e. Longitude



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

SE48- 2823

MassDEP File #

eDEP Transaction #

Nantucket

City/Town

**A. General Information (cont.)**

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

Nantucket

25,295

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 08/04/15 09/16/2015 09/16/2015  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

Site Plan of Land To Accompany a Notice of Intent

a. Plan Title

Blackwell & Assocaites

Arthur D. Gasbarro III

b. Prepared By

08/14/2015

c. Signed and Stamped by

1" =20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

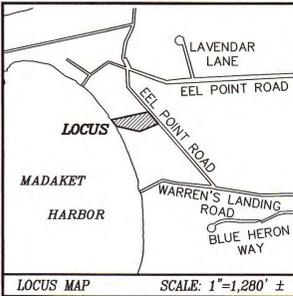
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

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

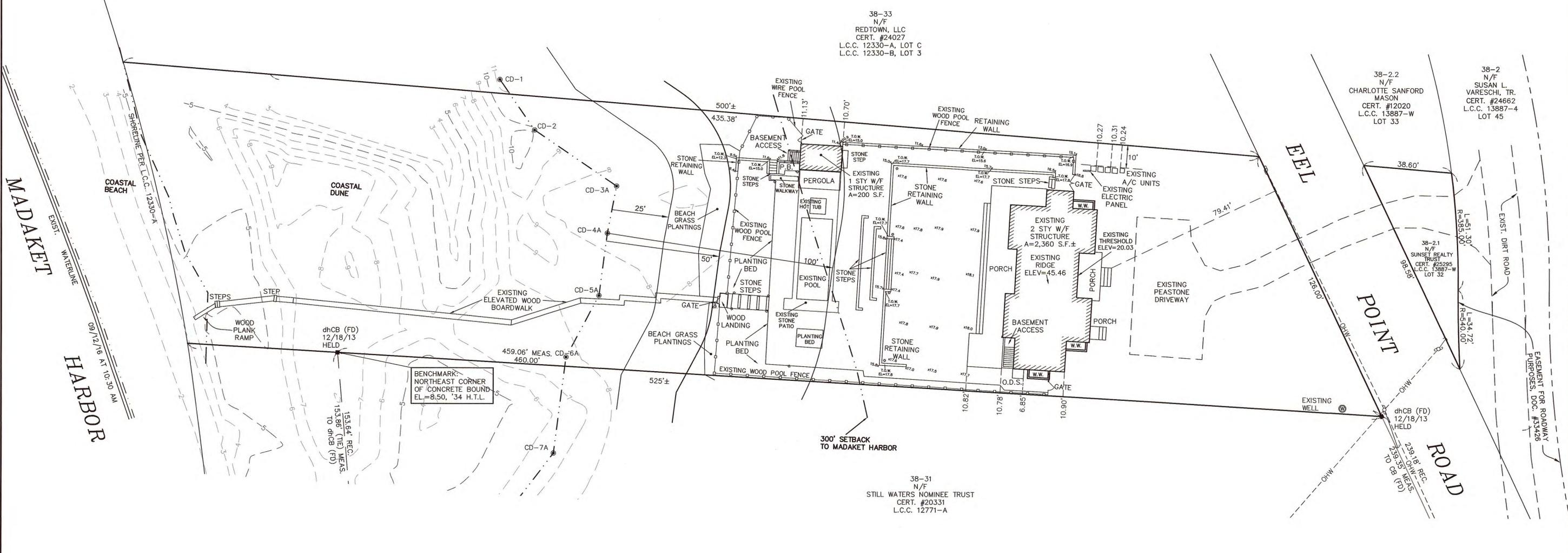
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



- LEGEND**
- dhCB (FD) ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
  - CB (FD) ■ DENOTES CONCRETE BOUND FOUND
  - CD-7 --- DENOTES COASTAL DUNE BOUNDARY
  - OHW --- DENOTES COASTAL DUNE FLAG FOUND
  - OHW --- DENOTES EXIST. OVERHEAD WIRES
  - DENOTES EXIST. UTILITY POLE
  - ⊙ DENOTES EXIST. WELL
  - ← DENOTES EXIST. GUY ANCHOR
  - REC. DENOTES RECORD PROPERTY LINE DISTANCE PER L.C.C. 12771-A
  - MEAS. DENOTES MEASURED DISTANCE BETWEEN RECORD MONUMENTS
  - ×15.1 DENOTES EXISTING SPOT ELEVATION
  - 14--- DENOTES EXISTING CONTOURS
  - ⊙ DENOTES EXISTING OUTDOOR LIGHT
  - ⊗ DENOTES EXISTING OUTDOOR FAUCET
  - P.B. DENOTES EXISTING PLANTING BED



CURRENT ZONING CLASSIFICATION:  
Limited Use General 2 (L.U.G.-2)

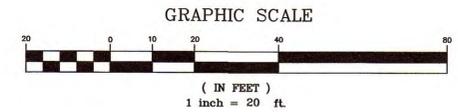
MINIMUM LOT SIZE: 80,000 S.F.  
MINIMUM FRONTAGE: 150 FT.  
FRONT YARD SETBACK: 35 FT.  
REAR/SIDE SETBACK: 15 FT.  
GROUND COVER %: 4%

EXISTING:  
59,135 S.F.±  
SEE PLAN  
SEE PLAN  
SEE PLAN  
3.99% ±

**OWNER INFORMATION**

SUNSET REALTY TRUST  
STEVE L. COHEN, TRUSTEE  
CERT. OF TITLE #25295  
L.C.C. 12330-A, LOT D  
ASSESSOR'S MAP 38, PARCEL 32  
#201 EEL POINT ROAD  
L.C.C. 13887-W, LOT 32  
ASSESSOR'S MAP 38, PARCEL 2.1  
#201 EEL POINT ROAD

LOT CREATED: JUNE 1927  
LOT AREA=59,135 S.F.±



RECORD PLAN  
OF LAND FOR SE48-2823  
IN NANTUCKET, MA  
PREPARED FOR  
**SUNSET REALTY TRUST**

Locus: #201 EEL POINT ROAD Lot Created: JUNE 1927 L.C.C. 12330-A, LOT D L.C.C. 13887-W, LOT 32

CHECKED BY: ADG/ILB	ASSESSOR MAP: 38	PARCEL: 32 & 2.1
DESIGNED BY: ADG/CLR	DRAWN BY: CLR	DATE: 10/28/16
SCALE: AS NOTED	JOB NO. B7948	SHEET: 1 OF 1

**BLACKWELL & ASSOCIATES, INC.**  
20 TEASDALE CIRCLE - NANTUCKET, MA 02554  
(508)228-9026 FAX (508)228-5292 **B7948**

# Other Business

# Draft Minutes



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Wednesday, November 2, 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 4:03 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Coordinator; Terry Norton, Town Minutes Taker

Attending Members: Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham

Absent Members: None

Late Arrivals: Erisman, 4:07 p.m.

Earlier Departure: None

Agenda adopted by unanimous consent

\*Matter has not been heard

### **I. PUBLIC MEETING**

**A. Public Comment** – Carlson announced that supplemental information deadline for the next meeting is Thursday, Nov 10.

### **II. PUBLIC HEARING**

#### **A. Notice of Intent**

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834(**Cont 11/16/2016**)
2. Sunset House, LLC – 15 Hallowell Lane (30-10) SE48-2924 (**Cont 11/16/2016**)
3. Nantucket Islands Land Bank – 17 Commercial Wharf & Unnumbered lot New Whale Street (42.2.4-7&8) SE48-2885 (**Cont 12/14/2016**)
4. Alan A. Shuch Trustee – 45 Quidnet Road (21-21) SE48-2928

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

Recused None

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

Representative Bob Emack  
Sarah Alger, Sarah F. Alger P.C.

Public None

Discussion (4:06) None

Staff This was waiting for determination from Massachusetts Natural Heritage; they provided a letter of no take and no adverse impact under wetland act.

Have everything needed to close.

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

Vote Carried unanimously

5. Reyes – 19 East Creek Road (55-60) SE48-2929

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

Recused None

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

Representative **Paul Santos**, Nantucket Surveyors – Reviewed NOI for demolition and reconstruction of a single-family dwelling; resource areas: creek, saltmarsh, land subject to coastal storm flowage, and coastal bank. This was held for Department of Environmental Protection (DEP) number and Massachusetts Natural Heritage determination. There had been questions about the existing garage; it was a permitted part of the original plan. Foundation will be piles and meet flood zone standards. The driveway currently exists and will not change; the site is on Town sewer and water.

**Steven Cohen**, Cohen & Cohen Law PC – They broke up the massing to mitigate the impact on wetland scenic views and put much of the new massing toward the front moving it away from the wetlands. The proposed building is conceptual that has no Historic District Commission (HDC) approval. The current structure is slab on grade.

Public **Cormac Collier**, Executive Director Nantucket Land Council – They have serious reservations about the project, about pulling down the 1600 square foot (SF) house and replacing it with a larger house. He feels some aspects of the existing property are not in compliance with the original Order of Conditions. The scenic view is a serious consideration; this board should also look at the affect on scenic views from the abutting Town property.

Discussion (4:07) **Golding** – This design is more elegant and does take the scenic view into consideration but the mass is considerably larger than the existing.

**Erisman** – This plan has more windows and doors; there would be an impact on the wetland from interior night lighting. Feels the impact of construction needs to be considered; this is right at the wetland.

**Steinauer** – Asked if the existing building needs to be raised to comply with the flood zone.

**Santos** – Only if someone does renovations totaling more than 50% of the fair-market value.

**Champoux** – Would like to see the proposed ridge line superimposed over the existing.

**Cohen** – Noted that the property is very valuable but the house not so much; the reality is that a new owner would want a house larger than the existing. Feels that the elimination of structure within the wetland buffer is a net benefit.

**Erisman** – The eco system services to the public and to the harbor provided by the two interfaces are such that they need to outweigh the cost to the potential homeowner.

**Golding** – Noted that value of the existing structure is not in ConCom purview. Feels that based on the impact of this larger structure, the NOI should be denied. In this location he would prefer a single-story structure of the same size as the existing.

**Cohen** – The commission could put controls on construction.

**Erisman** – It is the responsibility of the applicant to present construction protocols.

**Champoux** – The site of this house is a non-starter. The question is does this plan represents enough resource benefit.

**Steinauer** – He goes for the recovery of the resource area; this is not the first house in The Creeks area.

**Cohen** – They have to wait for Massachusetts Natural Heritage so he’s willing to come back with construction protocols and he will work with the architect to shave the height down more.

**Champoux** – We would like to see a detailed construction protocol.

**Erisman** – Feels the board should discourage construction in the wetlands; we wouldn’t normally allow any construction in this area.

**Steinauer** – We need to look at the net benefit to the land against the cost of the visual impact.

**Santos** – He will look into not having to raise the structure so much out of the flood zone.

**Cohen** – Noted they are definitely reducing the size of the main mass. Asked for a 2-week continuance.

If a positive order is issued, the plan referenced would be this plan.

Continued to November 16, 2016 by unanimous consent.

N/A

Staff  
Motion  
Vote

6. Thirty-Six Pocomo Road N.T – 36 Pocomo Road (14-79) NAN-126

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

Recused None

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

Representative **Brian Madden**, LEC Environmental – Reviewed the formal restoration planting plan; propose removal of love grass within the restoration foot print and reseed with native blue stem and fescue.

Public **Cormac Collier**, Executive Director Nantucket Land Council – This can be thought of as a wetland replication project; as part of the Order of Conditions, the board could request a performance bond to ensure it is done appropriately. Asked if the existing vegetation will be stripped; if so, they should ensure not too much top soil is being removed.

Discussion (4:48) **Steinauer** – Asked if they’d be willing to continue submitting reports on the planting effort past three years. Other than that, the plan looks good.

**Madden** – Doesn’t think his client is averse to continued monitoring.

**Golding** – He believes this does differ from a normal NOI because it’s in response to an enforcement action.

**Champoux** – In his opinion, the revegetation plan looks good. Asked about removal of the love grass.

**Madden** – The love grass will be roto-tilled and raked out. The woody debris is stacked.

**Bennett** – Asked what would determine the success rate.

**Erisman** – Asked if the area was filled with trees when it was mowed.

**Madden** – It appears there were some saplings and mature trees; that’s inferred from aerials.

**Champoux** – Suggested that roto-tilling love grass isn’t the best idea; mowing and scraping it out would do better at getting the roots.

Staff A way to ensure follow-up reporting post construction is to require an extension request tied to the initial enforcement action. Reminded the board that they can order some work to commence under the enforcement order. They have done performance bonds on other permits.

The success rate relates to the survivorship of the revegetation and percentage of stabilized soil.

When he looked at the 2014 aerial, there were trees of size in that area.

Removal of the love grass and beginning of planting trees and shrubs can be conditioned through the enforcement action the memorialized in the Order of Conditions.

Have everything needed to close.

Motion **Motion to order the removal of the love grass and begin planting.** (made by: Steinauer) (seconded by: Champoux)

Vote Carried unanimously

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

Vote Carried unanimously

7. \*Burke – 37 Gardener Road (43-85) SE48-\_\_\_\_ (Cont 11/16/2016)

**B. Requests for Determination of Applicability**

8. Irene Parent – 139 Polpis Road (44-7.2)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Recused None  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative **Bob Emack** – An isolated wetland borders Polpis Road and there is an isolated vegetated wetland off site approved in 2010. The work is to brush cut a path.  
 Public None  
 Discussion (5:09) **Erisman** – Asked if Mr. Emack had filed with Massachusetts Natural Heritage.  
 Staff Bruce Perry, Laurentide Environmental, LLC, confirmed the wetland boundaries. There is a small sliver about 2-feet wide within ConCom jurisdiction. Filing with Massachusetts Natural Heritage is under the NOI; it's not normally required here. Recommend issue with Positive 2A confirming boundaries and Negative 3 for work within the buffer.  
 Motion **Motion to Approve as recommended.** (made by: Steinauer) (seconded by: LaFleur)  
 Vote Carried unanimously

**III. PUBLIC MEETING**

**A. Certificates of Compliance**

1. Vento – 87 Eel Point Rd (32-11) SE48-2328

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Staff For installing of coir material. Recommend issue as an invalid order as they have another Order of Conditions that supersedes this.  
 Discussion (5:14) None  
 Motion **Motion to Issue as an invalid order.** (made by: LaFleur) (seconded by: Steinauer)  
 Vote Carried unanimously

2. Reiskin – 34 Codfish Park Road (73.1.3-53) SE48-2697

3. Reiskin – 34 Codfish Park Road (73.1.3-53) SE48-2512

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Staff These both are related to renovation & expansion of construction and installation of a septic system. Both are complete and in compliance  
 Discussion (5:15) None  
 Motion **Motion to Issue both SE48-2697 and SE48-2512.** (made by: Champoux) (seconded by: Steinauer)  
 Vote Carried unanimously

**B. Orders of Condition**

1. Alan A. Shuch Trustee – 45 Quidnet Road (21-21) SE48-2928

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Staff Conditioned that work is to be done by hand; no materials within the 50-foot setback; the silt fence is to be supplemented by hay bales upland of the silt fence. Condition 20 states work is to be done on the structure if the water level of the pond gets within 10 feet of the structure.  
 Discussion (5:17) None  
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: Champoux)  
 Vote Carried unanimously

2. Thirty-Six Pocomo Road N.T – 36 Pocomo Road (14-79) NAN-126

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Staff Conditions discussed would include: a performance bond or filing for an extension; survivorship of trees and shrubs at 95%; quantifying that there is no loose soil; submission of weekly work logs and weekly onsite inspections even through the winter; silt fence and haybales; and no roto-tilling of love grass.  
 Discussion (5:18) **Erisman** – Should have something about removal of invasive species if found.  
**Bennett** – Asked about marking the 25.  
**Steinauer** – Suggested mowing the love grass and spraying with Rodeo® herbicide; that saves the soil. Cited how the Airport did a restoration project that is now beautiful.  
**Champoux** – There isn't enough time now to mow and treat. The excavator should take the least amount of soil possible though there might not be a way to quantify that. Reiterated the need to remove the love grass roots.  
 Motion None at this time.  
 Vote Carried

**C. Monitoring Reports**

1. Nantucket Barn, LLC – 3 North Avenue(42.4.4-17) SE48-2710

2. Nantucket Conservation Foundation – Dike Road/Polpis Harbor (20-25) SE48-2156

**G. Other Business** (5:27)

1. Approval of Minutes 10/19/2016: Approved by unanimous consent.
2. Enforcement Actions
  - a. Holly Farm, Rachel Freeman, Nantucket Islands Land Bank (NILB) – Update on work that has begun and what has been accomplished. It looks good; the goal is not to let it look landscaped.  
Carlson – NILB had an issue with an abutter cutting parking on NILB property and asked him how to make it stop. If the board thinks it is appropriate, he will issue an enforcement action against cutting and allow NILB to install a barrier of some type or order the abutter to restore the area. Asked if there is opposition from the board that if a large land entity, such as NILB, has a similar encroachment issue for the staff to issue out the enforcement action immediately. Consensus has no concerns with that.  
**Motion to Ratify the Enforcement Action.** (made by: Golding) (seconded by: Steinauer) Carried unanimously
  - b. updates
3. Reports:
  - a. CPC, Golding
4. Commissioners Comment
  - a. Golding – NPR had a vignette on wood-chip fire reactors in Iowa dealing with agricultural runoff; these are trenches filled with bacteria treated wood chips catch nitrogen, which converts into binitrate oxide. This might be a good way to protect the harbor. He will send Mr. Carlson a couple of links. Champoux – They do that on the Cape Cod.
  - b. Steinauer – Got a research report from the Pond Collation to map the phragmites by drone. The imagery is very detailed; the data would be made available to ConCom. Carlson – Suggested having them come in to discuss what they did and found.
  - c. Bennett – Saw a tractor in the revamped wetlands at Millbrook and Hummock Pond wetland cutting along the fence. Carlson –He’ll look into it; Bartlett retained the right to mow in that area.
5. Administrator/Staff Reports
  - a. None

Motion to Adjourn: 5:49 p.m.

Submitted by:  
Terry L. Norton

PROPOSED