

From: [Steven Cohen](#)
To: [Jeff Carlson](#); [Erika Mooney](#)
Cc: [Libby Gibson](#); [Bob DeCosta \(albacor@comcast.net\)](#); [Josh Posner \(jposner@risingtidellc.net\)](#); [Jamie Feeley](#); [Hartnett, Maria \(mhartnett@Epsilonassociates.com\)](#); [Ismith@Epsilonassociates.com](#); "[Cormac Collier](#)" ([cormac@nantucketlandcouncil.org](#)); "[Emily MacKinnon](#)" ([emily@nantucketlandcouncil.org](#)); [danneatherton@comcast.net](#)
Subject: Letter for 4/2/14 concom hearing
Date: Friday, March 28, 2014 4:17:30 PM
Attachments: [concom40214hearingltr.pdf](#)

Jeff,

Please find attached the SBPF and TON submittal for the 4/2/14 Conservation Commission hearing. We do not plan to submit technical data at this time, although several items requested previously at in the works. Please post it and forward to the Commissioners.

Best,

Steven

Steven L. Cohen, Attorney
Reade, Gullicksen, Hanley, Gifford & Cohen, LLP
P.O. Box 2669 (6 Youngs Way)
Nantucket, MA 02584
508-228-3128 W
508-228-5630 F
SLC@readelaw.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify the sender immediately at either (508) 228-3128 or SLC@readelaw.com, and destroy all copies of this message and any attachments.

READE, GULLICKSEN, HANLEY, GIFFORD & COHEN, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

(508) 228-3128

FAX: (508) 228-5630

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN
MARIANNE HANLEY
WHITNEY A. GIFFORD
STEVEN L. COHEN

MAILING ADDRESS
POST OFFICE BOX 2000
NANTUCKET, MASS. 02584

March 28, 2014

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SBPF/TON NOI
Baxter Road Protection

Dear Chairman Steinauer:

We respectfully submit this letter regarding the joint Notice of Intent for the Baxter Road Temporary Stabilization Project (DEP File No. 048-2610). As you know, this NOI is a follow-up to the previously issued Emergency Certification for a three geotube Coastal Engineering Structure. This project has many aspects that were not addressed in the Emergency Certification. However, rather than continuing to try to roll everything into this NOI, SBPF and the Town instead seek approval of the existing CES, with minimal alterations, if they are acceptable to the Commission, all under appropriate terms and conditions to be set by the Commission. That is, we seek an Order of Conditions for the CES as built, plus returns, to be made of biodegradable material and with no bluff excavation, and also with re-vegetation of the bluff face with appropriate plantings. If this is acceptable, we would drop other features from this NOI, including the request for a fourth tier, the request to activate the drainage pipe, and the request for further augmentation of the bluff. The requested returns and planting can be done with substantially less construction than the geotubes and we anticipate that the Commission would want these, but we could also drop them from the NOI if the Commission is opposed to adding either at this time.

If an appropriate Order of Conditions is issued for the existing CES, we would not appeal it and would also suspend consideration of any expanded system, geotube or revetment, while we monitor while we monitor the performance of what is built and provide for maintenance and substantial sand mitigation. We look forward to discussing the above proposal with you on April 2, 2014.

Sincerely,



Josh Posner, President, SBPF



Kara Buzanoski, Director of Public Works