



Nantucket Land Council, Inc.

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November 1, 2013

Dr. Ernie Steinauer, Chair
Nantucket Conservation Commission
4 Bathing Beach Road
Nantucket, MA 02554

Re: NOI, Baxter Road Temporary Stabilization Project

Dear Commissioners,

The Nantucket Land Council Inc (NLC) would like to submit additional comments relative to the Town of Nantucket (TON) and Siasconset Beach Preservation Fund's (SBPF) Notice of Intent (NOI) filing for the temporary stabilization of a section of Baxter Road.

We understand that the TON is proposing to construct a coastal engineering structure on the coastal beach and at the toe of the coastal bank fronting 85 – 107A Baxter Road as a temporary measure to stabilize the road while they secure the necessary easements to create alternative access for the adjacent property owners. We are also aware that the TON is working on an emergency action plan outlining the steps that will be taken to achieve this alternative access and associated utility relocation in the near future.

Regulatory Compliance

The Commission heard testimony from Mr. Roggeveen representing the Quidnet Squam Association, abutters to the north, regarding the proposed project's compliance with the state wetlands regulations. We share in his concerns that the project does not qualify as a limited project as defined under 310 CMR 10.24 ((7)(c)(1)). If this project does not qualify as a limited project, it does not meet the state performance standards for coastal engineering structures which are only allowed to protect pre-1978 structures, not including roadways. The NLC would like to point out that while geotextile geotubes have been considered coastal engineering structures by the state, terraces or tubes constructed with jute or coir material have not been considered coastal engineering structures and therefore may be permissible under the state regulations.



We are concerned that the project as proposed does not meet the performance standards of the Nantucket Bylaw and the Nantucket Wetland Protection Regulations, requiring waivers, but are aware that the applicant plans to submit additional materials addressing these regulations. We will respond with concerns regarding local compliance after reviewing additional information submitted by the applicant.

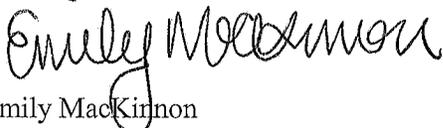
Project Design

After reviewing the NOI materials and hearing the applicant's presentation at the first public hearing on 10/30/13, the NLC is concerned that the project as proposed is overdesigned. The TON has made it very clear that their intention and goal is to *temporarily* stabilize the section of Baxter Road most at risk of failure long enough to satisfy their responsibilities to adjacent property owners by securing alternative access and relocating utilities. SBPF has been involved with many NOI filings over the years to stabilize the Coastal Bank fronting Baxter Road in order to provide long-term protection for the houses and properties at the top of the bank. We are aware that the TON has partnered with SBPF as joint applicants on this project as a result of their shared goal to stabilize Baxter Road and because of SBPF's commitment to financially support the construction of the project, given certain conditions are met which are to be determined in a license agreement that is not the subject of this application. The TON and SBPF clearly have similar short-term goals, but very different long-term motivations. We are concerned that while the short-term goals of the TON are being presented to justify the project, the project is actually being designed to meet the long-term goals of SBPF. It is vital that the TON and their engineering consultants have the autonomy and flexibility to put forth the most appropriate engineering design for the temporary protection of Baxter Road that minimizes environmental impacts and erosion pressures on adjoining shorelines. The TON should ensure that the conditions that accompany the offer of financial support not supersede or unduly influence appropriate design considerations.

As represented by our consultants, Applied Coastal Research and Engineering Inc. at the public hearing on 10/30/13 and as stated in their letter dated October 30, 2013, there are clear alternatives to the four geotextile geotube design that will satisfy the needs of the TON. The alternatives as presented will have significantly less impact on the coastal beach and adjacent coastal resource areas. We hope you will carefully consider the stated design goal and needs of the TON and determine that there are clear alternatives and that the project as proposed is over-engineered, over-designed and will have unnecessary impacts to the interests of the wetland resource areas that your regulations protect.

Thank you for your time.

Sincerely,



Emily MacKinnon
Resource Ecologist