



January 14, 2021

Attn: Jeff Carlson, Natural Resources Director
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Extension Request for Order of Conditions DEP File # SE48-3022
12 North Road

Dear Mr. Carlson and Commission Members,

On behalf of our client, David Smick, Wilkinson Ecological Design, Inc. (WED), requests permission to extend Order of Conditions DEP file # SE48-3022 for a three-year period. Order # SE48-3022 was issued on February 21, 2018 and will expire February 21, 2021. The project involved invasive plant management, installing sand-filled coir envelopes along the eroding portions of the coastal bank above the existing timber bulkhead, seeding with a native salt-tolerant grass mix, and planting of American beachgrass. Per the Order, the installation and associated native plants are maintained by WED.

Additionally, the Order permitted repairs to the existing timber bulkhead. Those repairs have not yet occurred, and the client has experienced difficulties in finding an engineer to complete the work. Therefore, we request that the Order be approved for a three-year extension, as the project permits will need to remain open and active until the repairs to the bulkhead can be completed.

Thank you for your time and consideration of this matter. Please feel free to call or email me with any questions regarding the project activities or this extension request.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Briel'.

Laura Briel
Project Coordinator
Wilkinson Ecological Design, Inc.
l.briel@wilkinsonecological.com
T: 508-255-1113 Ext. 105



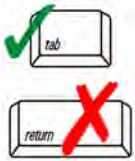
**WPA Form 7 – Request for Extension Permit for
Orders of Conditions**

SE48-3022
Provided by DEP

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.



- Applicant:

12 North Road Trust c/o David Smick
Name

220 I Street NE
Mailing Address

Washington D.C. 20002
City/Town State Zip Code
- Property Owner (if different):

Same as applicant
Name

Mailing Address

City/Town State Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

2/21/2018 Issued by: Nantucket Conservation Commission
Date Conservation Commission

for work at: 12 North Road 43 82
Street Address Assessor's Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:

Nantucket _____
County Book Page

COO22211
Certificate (if registered land)

is hereby extended until: 2/21/2024 _____
Date Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.



2018 00157785

Cert: 22211 Doc: OOC
Registered: 02/23/2018 11:37 AM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48-3022
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:

12 North Road Trust

Vickie M. Stancil, TR.

a. First Name

b. Last Name

c/o David Smjick

c. Organization

220 I Street NE

d. Mailing Address

Washington

e. City/Town

D.C.

f. State

20002

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:

12 North Road

a. Street Address

Nantucket

b. City/Town

43

c. Assessors Map/Plat Number

82

d. Parcel/Lot Number

Latitude and Longitude, if known:

41°17'12.78"N

d. Latitude

70°04'26.82"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:

SE48-3022

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

COO22211

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 10/13/2017 01/24/2018 02/21/2018
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):

Plan Showing Timber Bulkhead To Be Modified

a. Plan Title

Cape Cod Engineering, INC

Robert M. Perry P.E

b. Prepared By

c. Signed and Stamped by

10/03/2017

1" = 20'

d. Final Revision Date

e. Scale

Coastal Stabilization Plan prepared by Wilkinson Ecological Design

11/20/2017

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.

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

Address: 12 North Road
 Assessor's Map and Parcel: 43-82
 Property Owner: 12 North Road Trust
 Applicant: 12 North Road Trust
 DEP File Number: SE48-3022
 Filing Date: October 13, 2017
 Date Hearing Closed: January 24, 2018
 Date Orders Issued: February 21, 2018
 Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated October 10, 2017 and stamped by Jeffrey L. Blackwell, P.L.S.
 Plan showing Timber Bulkhead to Be Modified, dated October 3, 2017 and stamped by Robert M. Perry, P.E.
 Coastal Stabilization Plan, dated 9/21/2017, final revision 11/20/2017 and prepared by Wilkinson Ecological Design

Permit Overview:

This Order permits the applicant to construct and maintain coir logs, maintaining of a sacrificial sand cover, maintenance of an existing bulkhead, removal of an unpermitted deck, planting and maintenance of vegetation on a Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage.

Additional Findings:

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

7. The Commission finds that the coastal beach is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife, recreation and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
8. The Commission finds that the coastal bank is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, wildlife, and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
9. The Commission finds that the land subject to coastal storm flowage is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, wildlife, and water quality as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
10. The Commission recognizes that the coastal bank is unstable and subject to collapse and/or erosion due to wave action, overland stormwater erosion and/or groundwater flow/discharge.
11. The Commission recognizes the coastal bank to exist in a highly dynamic coastal environment and to be comprised of mixed glacial till material with locally perched groundwater.
12. The Commission finds that the project as conditioned by this Order will not adversely impact the interests protected by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136) and is conditioned to mitigate effects to the resource areas. Further, the Commission finds that given the historical site conditions and current site conditions that there are no reasonable alternatives to this project as conditioned.
13. The Commission finds that this combination of materials is a Coastal Engineering Structure.
14. The Commission finds that this Notice of Intent was filed as required by an Enforcement Order issued March 15, 2017.
15. The Commission finds that beach nourishment required by previous orders has failed to be installed and maintained in compliance with those Orders.
16. The Commission finds that any future replacement of the bulkhead will require an analysis of the pre-1978 status of the structures on the locus.

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

17. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
18. The only work areas permitted by this Order include the land specific to the project area as shown on the plan of record. No work is to be performed outside of this area.
19. A detailed as-built plan, stamped by a licensed engineer or surveyor is required to be filed with the Commission upon completion of initial construction. This survey shall include the entire project area.
20. Detailed survey plans as stamped by a licensed surveyor or licensed engineer shall be submitted to the Commission twice a year and post storm events, with storm events being defined as a period of sustained winds in excess of 40MPH for a period of 6 hours, to show from the top of the bank to the beach/bank interface

landward of the toe and then extending to Mean Low Water. This survey shall include the entire project area. Reports shall be submitted to the Commission showing the amount of sand delivered to the project area and to which project area it was delivered.

21. Photographs of the project area are required quarterly and in addition photographs shall be required to be submitted, demonstrating the condition of the entire project area within 24 hours of each storm event.
22. All structural materials, such as the coir logs, posts, and anchors, shall be marked for identification. Distinguishing marks shall include tagging of plastic and branding of wood or metal.
23. The applicant shall be responsible for retrieving any and all materials stored, dislodged or washed off site for the life of the project.
24. Should the monitoring reports show an adverse impact to surrounding properties, an adverse impact to the project area, or the failure to properly install and maintain nourishment, the applicant shall appear before the Commission to discuss the proper action to take to mitigate the condition, including but not limited to the removal of the structure, repair of the structure or revision to the nourishment program.
25. The applicant will be required to provide the bi-annual reporting for one year post removal of the structure to demonstrate any impacts from the structure to the remaining coastal beach/bank.
26. Nourishment is required to be maintained to the volumes specified in the plan of record and provided narratives. All nourishment sands are to be bank compatible sand. The applicant shall provide the Commission with a grain size analysis from each sand source being used for the nourishment prior to the delivery to the beach. Following the installation of any post-construction nourishment a new detailed as-built by a licensed surveyor or engineer must be provided to the Commission showing the new profile and location. The yearly report shall include a total of the amount of sand placed and its placement in relation to established vegetation.
27. The applicant shall provide the Commission with contact information including name, mailing address, and phone number of all participants in the project as well as any contractor working on the project.
28. No machinery or materials are to be stored on the beach.
29. The initial monitoring report shall be presented to the Commission as part of a regular meeting of the Commission and is to take place one year after the installation is completed. This yearly meeting shall continue for the duration of the project.
30. The coir logs shall be kept in good repair and if they are damaged they shall be repaired and notice provided to the Commission of the repair. The coir logs shall be kept in good repair so long as they are aiding in the establishment of a plant community. Once vegetation is established the replacement of coir logs in that area is prohibited.
31. If less than 75% of the plantings are living plants at the end of the growing season the applicant shall come before the Commission for what remedial action is needed to return the structure into compliance.
32. If the coastal bank does not see 75% of the plant community survival after three years the project is deemed a failure. Should this occur the applicant shall file a new Notice of Intent to modify the existing project or permit its removal.

33. The project will be deemed a failure upon 33% of the project materials excluding nourishment material needing to be replaced over two of three years. Should this occur the applicant shall file a new Notice of Intent to modify the existing project or permit its removal.
34. Prior to the start of work the Mean High Water line shall be staked and shall serve as the limit of work throughout the project. No work or travel by machine is allowed seaward of the MHW line under this Order.
35. The applicant shall locate the bottom of bank and observed high water mark outside the project area. All data from the areas outside of the project shall be used as control sites for the purposes of analyzing project data. These transects shall be located every three hundred feet from the ends of the project area and extend nine hundred feet from the ends of the project area. The plan depicting this information shall include the Mean High Water Mark.
36. The applicant shall be required to pay a fee within thirty days of the Order being issued in compensation for the failure to properly nourish in accordance with prior Orders of Conditions and based on the most recent violations. That fee shall be \$50 a day per the Code of the Town of Nantucket Article 1 Section 1-1, from the date of issuance of the current enforcement order until a formal response was received on May 23rd 2018 totaling \$3450.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

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