

FINDINGS and ADDITIONAL CONDITIONS
Gary McCarthy, President, Great Harbor Yacht Club
DEP File Number: SE48-1665
Assessor's Map 55.1.4, Parcels: 6, 8, 9.2, 35.2, 35.3, & 36
96, 97, & 98 Washington Street, 9A, 9B, & 11 Salt Marsh Way, Nantucket
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)

This Order of Conditions permits the demolition/removal of all existing structures and storage equipment; construction of six structures, pool and pool facilities, wash down facilities, stormwater management facilities; grading and landscaping; placement of utilities; and construction of parking facilities; all within land subject to coastal storm flowage and on a coastal bank; and within the buffer zone to a coastal dune, coastal beach, coastal bank, salt marsh, land under the ocean, and land containing shellfish. Waivers are required for the work as permitted by this Order.

FINDINGS

1. *Applicant's Name: Gary McCarthy, President Great Harbor Yacht Club; DEP File Number SE48-1665.*

2. *This Order of Conditions is being issued in strict accordance with the information submitted in the Notice of Intent dated 11/5/03, and the Plan Set of Record (Sheets 1-15) dated as revised 5/7/04, stamped and signed by Daniel Malloy (Cullinan Engineering). The Commission also considered other pertinent supplemental information including, but not limited to:*
 - *Project Narrative provided by Blackwell and Associates as attached to the Notice of Intent*
 - *Illustrative Site Plan for Major Commercial Development Great Harbor Yacht Club, dated 5/19/04 by Blackwell & Associates, Inc., and Cullinan Engineering*
 - *Illustrative Landscaping and Lighting Plan, dated 11/20/03 (Landscaping)*
 - *Wetland Scenic Views Study Plan by Cullinan Engineering, dated 6/8/04*
 - *HDC Lighting Plan - Luminare Schedule by HADCO, dated 6/9/04*
 - *HDC submitted Architectural Plans for Club House, dated as received 6/11/04*
 - *Aerial Photo of Existing Conditions, dated 4/03*
 - *OZA GeoEnvironmental, Inc., dated 2/26/99*
 - *GZA GeoEnvironmental, Inc., dated 5/12/04*
 - *DEP WSC/SA 4-0905 File materials including "No Further Action Determination" letter, dated 9/23/93*
 - *Structure Demolition Protocols 780CMR 6th Edition, Pre-demolition Checks as in Chapters 4 & 5 of the "Approved Code of Practice"*
 - *Marine & Coastal Resources Department letter, dated 12/15/03 from D.F. Fronzuto*
 - *Blackwell and Associates Inc. letters with attachments, dated 11/17/03*

- (Waiver Request) and 11/25/03*
 - ENSR International letters, dated 4/7/04 and 6/25/04*
 - Cullinan Engineering letters with attachments, dated 12/2/03, 2/5/04, 4/6/04, 5/12/04, 5/18/04 and 6/23/04*
 - Great Harbor Yacht Club Stormwater Testing Protocol*
 - Hydraulic/Hydrological Analysis - Great Harbor Yacht Club dated 10/16/03*
 - Nantucket Land Council Inc. letter, dated 4/12/04*
 - Letter and Memo from Mainstream Engineering Inc., dated 3/26/04 and 6/16/04*
 - University of New Hampshire letter to Cormac Collier, dated 4/1/04*
 - Multiple letters from abutters and "Concerned Citizens"*
3. *Areas subject to protection/regulation are: land under the ocean, land containing shellfish, a coastal beach, coastal dune, arid coastal bank, and their buffers, as well as land subject to coastal storm towage.*
 4. *This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 7/7/2004, and a vote to issue Orders taken by the Commission on 7/14/2004.*
 5. *This Order permits the demolition/removal of all existing structures and storage equipment; construction of six structures, pool and pool facilities, wash down facilities; stormwater management facilities; grading and landscaping; placement of utilities; and the construction of parking facilities; all of which are within land subject to coastal storm towage, and parts of which are within a coastal bank and within the buffer zone to a coastal dune, coastal bank, coastal beach, salt marsh, land under the ocean, and land containing shellfish.*
 6. *The Commission finds the current development's lighting (sodium vapor broadcast lighting that is turned on all night) adversely impacts shellfish, fisheries, and wildlife habitat. The permitted site lighting is shielded from overcast to fisheries, shellfisheries, and wildlife habitat, resulting in no significant adverse impact.*
 7. *The Commission finds that the current development's impervious cover (approximately 90% cover on the eastern side of Washington Street Extension, and approximately 25% cover on the western side of Washington Street Extension for existing multiple building footprint) significantly exceeds the permitted project impervious cover (approximately 50% cover on the eastern side, and 25% cover on the western side of Washington Street Extension).*
 8. *The Commission finds that the current stormwater management practices include direct discharge to Nantucket Harbor via a pipe in the northerly bulkhead, via sheet flow into adjacent wetland resource areas, via sheet flow into the street, and then into municipal stormwater conduits to the Town of Nantucket Stormwater Retention Area. The existing site does not have a stormwater operation and maintenance program or a water quality monitoring program. The permitted project meets and exceeds stormwater management requirements, will incorporate*

a stormwater operation and management program, and is required to monitor water quality.

9. *The Commission finds that current boat storage, maintenance, and wash down practices do not incorporate containment or treatment of wash down waters. The permitted project incorporates treatment and containment of wash down waters. Maintenance and temporary storage activities are limited to the westerly portions of the site, outside of all wetland buffer zones, and located within land subject to coastal storm flowage only.*
10. *The current development does not provide public access to the water. The permitted project provides a public access walkway along the perimeter bulkhead.*
11. *The current development's planted areas are dominated by lawn grass areas. The permitted project will result in plantings that will increase biodiversity, with indigenous species to include red cedar, holly, bayberry, inkberry, beach plum, and rugosa rose.*
12. *The Commission finds that the current site use has resulted in its being listed as having an unauthorized release of hazardous materials. The incident (DEP WSC/SA 4-0905) has received a signoff from DEP in 1993. Recent site investigations in 1999 and 2003 by GZA confirm the DEP release finding for hazardous materials. The permitted project requires additional sediment testing within the areas to be altered.*
13. *The Commission finds that the project as permitted will serve to better protect the interests of the Massachusetts Wetlands Protection Act, and the Wetland Protection Act Regulations, 310 CMR 10.00, et seq. (coastal bank and land subject to coastal storm flowage), and recognizes that the project as permitted within the buffer zone to a coastal dune, coastal bank, coastal beach, salt marsh, land under the ocean, and land containing shellfish will not adversely impact these wetland resource areas.*
14. *The Commission finds that the coastal bank at the site exists as a constructed bulkhead that prevents storm damage and provides flood control, but does not contribute sediment to down drift coastal wetland resource areas, nor provide wildlife habitat.*
15. *The Commission finds that existing structures at the site are not constructed in accordance with the Massachusetts Building Code for construction within lands subject to coastal storm flowage. The Commission has conditioned the permitted structures to comply with the Massachusetts Building Code for construction within a coastal flood plain.*

In addition to the above referenced ADDITIONAL CONDITIONS, the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40. The above listed General Conditions and Findings are part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. *Prior to the start of work, the applicant shall file a piling support plan stamped by a structural engineer or qualified professional meeting the requirements of the Town of Nantucket Building Commissioner.*
19. *Prior to the start of work, the applicant shall provide the Commission staff with a revised plan showing the area of roof containing the building mechanicals draining into the existing municipal Stormwater conduits.*
20. *Prior to the start of work, the applicant shall provide the Commission with a written sign off from the Fire Department that all under ground fuel storage facilities and associated distribution lines meets state requirements (527CMR9:00 Tanks & Containers).*
21. *Prior to the start of work, the applicant shall provide the Commission with written authorization from all landowners on which work is permitted by this Order of Conditions.*
22. *Prior to the start of work, the applicant shall submit a revised landscaping plan showing plantings to the east side of Washington Street Extension to include red cedar, bay berry, beach plum, rugosa rose, holly, Kwanzan cherry, linden, and little bluestem.*
23. *At least 3 weeks prior to the start of work, the applicant, Commission staff, and the construction supervisor shall meet onsite to review demolition protocols and sediment and erosion control measures. Within two days after the onsite meeting, the applicant shall provide the Commission staff with written demolition protocols, as discussed, for final review and approval. The demolition protocols shall include, at a minimum, procedures for determination of the presence of hazardous materials, establishment of special handling and tracking protocols, sequencing of demolition activities, tracking and accounting for destination of demolition debris, debris containment measures, sediment control measures to include wind, water, and airborne particles, and stormwater control measures, so that the Commission can insure no adverse impact to the resource areas from work within their buffer zones, and insure no adverse impact to the coastal bank and the interests protected for land subject to coastal storm towage.*
24. *Within one week of completion of demolition activities, the applicant shall notify the Commission so that an onsite inspection can be conducted. This onsite inspection shall include the applicant, the contractor, the applicant's technical consultant, and Commission staff, so that a determination can be made as to the need for, and location of, additional soil sampling. Soil samples shall be tested for heavy metals, volatile organics, and other contaminants as deemed necessary based on site conditions. Its analyses of heavy metals, volatile organics and other oil and hazardous materials is detected to exceed DEP/EPA contaminant standards, all*

work at the site shall be halted until appropriate clean up protocols are reviewed and approved and until clean up is certified by a Licensed Site Professional has been achieved and acknowledged in writing by DEP, the Nantucket Fire Department and the Conservation Commission.

25. *A minimum of three weeks prior to the start of construction, the applicant, Commission staff, and the construction supervisor shall meet onsite to discuss and review construction protocols. Within two days after the onsite meeting, the applicant shall provide the Commission staff with written construction protocols, as discussed onsite, for final review and approval.*
26. *No buildings as approved shall have floor drain unless pretreatment and connection to the sanitary sewer is provided and approval in writing from the Commission is received first.*
27. *Dredge spoil shall not be allowed as fill on the site unless written approval from the Commission is obtained first.*
28. *The proposed stormwater drainage/management system shall be maintained in accordance with the Great Harbor Yacht Club drainage system ownership and maintenance plan dated 2/5/04.*
29. *The applicant shall provide an escrow account to the Town of Nantucket for the operation and maintenance of stormwater management facilities to insure adequate monitoring and maintenance of performance. The amount and form of the escrow account shall be established in consultation with the Nantucket Planning Board.*
30. *The applicant shall monitor all stormwater discharges to the harbor, including the existing outfall pipe in the northern bulkhead, and the bypass flow to be discharged to the existing Town of Nantucket stormwater retention area. These discharges shall be monitored by sampling flow discharging from the site a minimum of twice a month on a monthly basis during May through October, and within 24 hours of a rain event equal to or exceeding 1.0 inch within 24 hours. Samples shall be delivered to an EPA/DEP certified laboratory, and copies of all results submitted to the Commission within 21 days. To insure that sampling is taken as required, the applicant shall maintain a rain gauge at the site and submit monthly reports of daily readings to the Commission office.
Stormwater shall be tested for the following constituents and be compliant with the following thresholds (derived from manufacturers specifications, DEP/EPA stormwater runoff BMP thresholds, and available scientific data) set to the most restrictive concentration.*

<i>pH</i>	<i>6.5-8.5</i>
<i>Turbidity</i>	<i>100 ppm</i>
<i>TSS</i>	<i>100 ppm</i>
<i>Fecal Coliform</i>	<i>2MPN/100ml</i>

<i>Total Coliform</i>	<i>2MPN/100ml</i>
<i>Enterococci</i>	<i>2MPN/100ml</i>
<i>Petroleum Hydrocarbons</i>	<i>Less than 5.0 ppb</i>
<i>Volatile Organic Compounds</i>	<i>Less than 5.0 ppb</i>
<i>TN</i>	<i>.4 ppm</i>
<i>Cadmium</i>	
<i>Copper</i>	<i>DEP/EPA thresholds</i>
<i>Lead</i>	
<i>Zinc</i>	
<i>Organophosphates</i>	<i>.5 ug/L ppb.”</i>

If any of the thresholds listed are exceeded for more than 2 consecutive sampling rounds the applicant shall upgrade/replace all stormwater treatment systems within 30 days of notice by the Conservation Commission. If the applicant fails to take the actions required, agents for the Town of Nantucket shall complete the work necessary using escrow account funds.

- 31. Any changes to the existing airport pipeline, including any tie in to subsurface lines placed within the footprint of the project permitted by this Order, shall require a new filing with the Commission.*
- 32. All materials to be used in the construction/maintenance of the bulkhead shall be reviewed and approved by Commission staff and shall not contain creosote, CCA, or other leaching preservatives.*

FINDINGS and ADDITIONAL CONDITIONS
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96, 97, & 98 Washington Street, 9A, 9B, & 11 Salt Marsh Way, Nantucket
UNDER THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW
(CHAPTER 136)

This Order of Conditions permits the demolition/removal of all existing structures and storage equipment; construction of six structures, pool and pool facilities, wash down facilities, stormwater management facilities; grading and landscaping; placement of utilities; and construction of parking facilities; all within land subject to coastal storm towage and a coastal bank; and within the buffer zone to a coastal dune, coastal beach, coastal bank, salt marsh, land under the ocean, and land containing shellfish. Waivers are required for the work as permitted by this Order.

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- 1. Applicant's Name: Gary McCarthy, President Great Harbor Yacht Club; DEP/Town Of Nantucket File Number: SE48-1665.**
- 2. This Order of Conditions is being issued in strict accordance with the information submitted in the Notice of Intent dated 11/5/03, and the Plan Set of Record (Sheets 1-15) dated as revised 5/7/04, stamped and signed by Daniel Malloy (Cullinan Engineering). The Commission also considered other pertinent supplemental information including, but not limited to:**
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- (Waiver Request) and 11/25/03*
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 - *Hydraulic/Hydrological Analysis - Great Harbor Yacht Club dated 10/16/03*
 - *Nantucket Land Council Inc. letter, dated 4/12/04*
 - *Letter and Memo from Mainstream Engineering Inc., dated 3/26/04 and 6/16/04*
 - *University of New Hampshire letter to Cormac Collier, dated 4/1/04*
 - *Multiple letters from abutters and "Concerned Citizens"*
3. *The areas subject to protection/regulation are: land under the ocean, land containing shellfish, a coastal beach, coastal dune, and coastal bank, and their buffers, as well as land subject to coastal storm flowage.*
 4. *This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 7/7/2004, and a vote to issue Orders taken by the Commission on 7/14/2004.*
 5. *This Order permits the demolition/removal of all existing structures and storage equipment; construction of six structures, pool and pool facilities, wash down facilities; stormwater management facilities; grading and landscaping; placement of utilities; and the construction of parking facilities; all of which are within land subject to coastal storm flowage, and parts of which are within a coastal bank and within the buffer zone to a coastal dune, coastal bank, coastal beach, salt marsh, land under the ocean, and land containing shellfish.*
 6. *The Commission finds that the current site development obstructs wetland scenic views from Washington Street Extension. The Commission finds that the permitted project building footprint will limit, but not obstruct, wetland scenic views from Washington Street Extension.*
 7. *The Commission finds that the current development lighting, sodium vapor broadcasting light that is turned on all night, adversely impacts shellfish, fisheries, and wildlife habitat. The permitted site lighting is shielded from overcast to fisheries, shellfisheries, and wildlife habitat, resulting in no significant adverse impact.*
 8. *The Commission finds that the current development's impervious cover (approximately 90% cover on the eastern side of Washington Street Extension, and approximately 25% cover on the western side of Washington Street Extension for existing multiple building footprint) significantly exceeds the permitted project impervious cover (approximately 50% cover on the eastern side, and 25% cover on the western side of Washington Street Extension).*
 9. *The Commission finds that the current stormwater management practices include*

direct discharge to Nantucket Harbor via a pipe in the northerly bulkhead, via sheet flow into adjacent wetland resource areas, via sheet flow into the street, and then into municipal stormwater conduits to the Tow of Nantucket Stormwater Retention area. The existing site does not have a stormwater operation and maintenance program or a water quality monitoring program. The permitted project meets and exceeds stormwater management requirements, will incorporate a stormwater operation and management program, and is required to monitor water quality.

10. *The Commission finds that current boat storage, maintenance, and wash down practices do not incorporate containment or treatment of wash down waters. The permitted project incorporates treatment and containment of wash down waters. Maintenance and temporary storage activities are limited to the westerly portions of the site, outside of all wetland buffer zones, and located within land subject to coastal storm towage only.*
11. *The current development does not provide public access to the water. The permitted project provides a public access walkway along the perimeter bulkhead.*
12. *The current development's planted areas are dominated by lawn grass areas. The permitted project will result in plantings that will increase biodiversity, with indigenous species to include red cedar, holly, bayberry, inkberry, beach plum, and rugosa rose.*
13. *The Commission finds that the current site use has resulted in its being listed as having an unauthorized release of hazardous materials. The incident (DEP WSC/SA 4-0905) has received a signoff from DEP in 1993. Recent site investigations in 1999 and 2003 by GZA confirm the DEP release finding for hazardous materials. The permitted project requires additional sediment testing within the areas to be altered.*
14. *The Commission finds that the project as permitted will serve to better protect the interests of the Town of Nantucket Wetlands Protection Bylaw and Wetlands Protection Bylaw Regulations, and recognizes that the project as permitted within the coastal bank and land subject to coastal storm, flowage, and within the buffer zone to a coastal dune, coastal bank, coastal beach, salt marsh, land under the ocean, and land containing shellfish, will not adversely impact these wetland resource areas.*
15. *The Commission finds that the coastal bank at the site exists as a constructed bulkhead that does not contribute sediment to down drift coastal wetland resource areas, prevents storm damage, provides flood control, and does not provide wildlife habitat.*
16. *The Commission finds that the existing structures at the site are not constructed in accordance with the Massachusetts Building Code for construction within lands subject to coastal storm flowage. The Commission has conditioned the permitted structures to comply with the Massachusetts Building Code for construction within*

a coastal flood plain.

17. *The Commission finds that the stormwater management facilities and operation and maintenance plan, the wash water recovery system, incorporation of habitat sensitive lighting, the reduction of impervious cover, and the planting of indigenous species to enhance biodiversity, given existing developed characteristics of the site qualify the project as permitted for waivers in accordance with the Town of Nantucket Wetlands Protection Bylaw Regulations Sections 1.03(F)(3)(a, c, d, and e).*

In addition to the above referenced ADDITIONAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to the Town of Nantucket Wetlands Protection Bylaw, Chapter i36. The above listed General Conditions and Findings are part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. *Prior to the start of work, the applicant shall file a piling support plan stamped by a structural engineer or qualified professional meeting the requirements of the Town of Nantucket Building Commissioner.*
19. *Prior to the start of work, the applicant shall provide the Commission staff with a revised plan showing the area of roof containing the building mechanicals draining into the existing municipal stormwater conduits.*
20. *Prior to the start of work, the applicant shall provide the Commission with a written sign off from the Fire Department that all underground fuel storage facilities and associated distribution lines meet state requirements (527CMR9:00 Tanks & Containers).*
21. *Prior to the start of work, the applicant shall provide the Commission with written authorization from all landowners on which work is permitted by this Order of Conditions.*
22. *Prior to the start of construction, the applicant shall provide the Commission with architectural plans as approved by the HDC for review and approval.*
23. *Prior to the start of work, the applicant shall submit a revised landscaping plan showing plantings to the east side of Washington Street Extension to include red cedar, bay berry, beach plum, rugosa rose, holly, Kwanzan cherry, linden, and little bluestem.*
24. *At least 3 weeks prior to the start of work, the applicant, Commission staff, and the construction supervisor shall meet onsite to review demolition protocols and sediment and erosion control measures. Within two days after the onsite meeting, the applicant shall provide the Commission staff with written demolition protocols, as discussed, for final review and approval. The demolition protocols shall include,*

at a minimum, procedures for determination of the presence of hazardous materials, establishment of special handling and tracking protocols, sequencing of demolition activities, tracking and accounting for destination of demolition debris, debris containment measures, sediment control measures to include wind, water, and airborne particles, and stormwater control measures, so that the Commission can insure no adverse impact to the resource areas from work within their buffer zones, and insure no adverse impact to the coastal bank and the interests protected for land subject to coastal storm flowage.

25. *Within one week of completion of demolition activities, the applicant shall notify the Commission so that an onsite inspection can be conducted. This onsite inspection shall include the applicant, the contractor, the applicant's technical consultant, and the Commission staff so that a determination can be made as to the need for, and location of, additional soil sampling. Soil samples shall be tested for heavy metals, volatile organics, and other contaminants as deemed necessary based on site conditions. If analyses of heavy metals, volatile organics and other oil and hazardous materials is detected to exceed DEP/EPA contaminant standards, all work at the site shall be halted until appropriate clean up protocols are reviewed and approved and until clean up as certified by a Licensed Site Professional has been achieved and acknowledged in writing by DEP, the Nantucket Fire Department and the Conservation Commission.*
26. *A minimum of three weeks prior to the start of construction, the applicant, Commission staff, and the construction supervisor shall meet onsite to discuss and review construction protocols. Within two days after the onsite meeting, the applicant shall provide the Commission staff with written construction protocols as discussed onsite, for final review and approval.*
27. *No buildings as approved shall have floor drains unless pretreatment and connection to the sanitary sewer is provided and approval in writing from the Commission is received first.*
28. *Dredge spoil shall not be allowed as fill on the site unless written approval from the Commission is obtained first.*
29. *The proposed stormwater drainage/management system shall be maintained in accordance with the Great Harbor Yacht Club drainage system ownership and maintenance plan, dated 2/5/04.*
30. *The applicant shall provide an escrow account to the Town of Nantucket for operation and maintenance of stormwater management facilities to insure adequate monitoring and maintenance of performance. The amount and form of the escrow account shall be established in consultation with the Nantucket Planning Board.*
31. *The applicant shall monitor all stormwater discharges to the harbor, including the existing outfall pipe in the northern bulkhead, and the bypass flow to be discharged*

to the existing Town of Nantucket Stormwater Retention area. These discharges shall be monitored by sampling flow discharging from the site a minimum of twice a month on a monthly basis during May through October, and within 24 hours of a rain event equal to or exceeding 1.0 inch within 24 hours. Samples shall be delivered to an EPA/DEP certified laboratory, and copies of all results submitted to the Commission within 21 days. To insure that sampling is taken as required, the applicant shall maintain a rain gauge at the site and submit monthly reports of daily readings to the Commission office.

Stormwater shall be tested for the following constituents and be compliant with the following thresholds (derived from manufacturers specifications, DEP/EPA stormwater runoff BMP thresholds, and available scientific data) set to the most restrictive concentration.

<i>pH</i>	<i>6.5-8.5</i>
<i>Turdidity</i>	<i>100 ppm</i>
<i>TSS</i>	<i>100 ppm</i>
<i>Fecal Coliform</i>	<i>2MPN/100ml</i>
<i>Total Coliform</i>	<i>2MPN/100ml</i>
<i>Enterococci</i>	<i>2MPN/100ml</i>
<i>Petroleum Hydrocarbons</i>	<i>Less than 5.0 ppb</i>
<i>Volatile Organic Compounds</i>	<i>Less than 5.0 ppb</i>
<i>TN</i>	<i>.4 ppm</i>
<i>Cadmium</i>	<i>DEP/EPA thresholds</i>
<i>Copper</i>	<i>DEP/EPA thresholds</i>
<i>Lead</i>	<i>DEP/EPA thresholds</i>
<i>Zinc</i>	<i>DEP/EPA thresholds</i>
<i>Organophosphates</i>	<i>.5 ug/L ppb.”</i>

If any of the thresholds listed are exceeded for more than 2 consecutive sampling rounds the applicant shall upgrade/replace all stormwater treatment systems within 30 days of notice by the Conservation Commission. If the applicant fails to take the actions required, agents for the Town of Nantucket shall complete the work necessary using escrow account funds.

- 32. Any changes to the existing airport pipeline, including any tie in to the subsurface lines placed within the footprint of the project permitted by this Order shall require a new filing with the Commission.*
- 33. All materials to be used in the construction/maintenance of the bulkhead shall be reviewed and approved by Commission staff, and shall not contain creosote, CCA, or other leaching preservatives.*

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

The Commission hereby grants waivers to Section 2.06(B)(4) salt marsh; Section 2.05(B)(5) coastal bank; Section 2.03(B)(2) coastal dune; and Section 2.02(B)(6) coastal beach; of the Wetlands Protection Regulations of the Town of Nantucket, under the

Wetlands Bylaw (Chapter 136), which state that all projects which are not water dependent shall maintain at least a 25-foot natural, undisturbed area adjacent to a coastal beach, a coastal dune, a coastal bank, and a salt marsh, and that all structures shall be sited at least 50' from a coastal beach, a coastal dune, a coastal bank, and a salt marsh. The Commission hereby grants a waiver to Section 2.10(B)(3), which states that all private and commercial underground fuel tanks shall be outside the 100-year floodplain. The Commission finds, given existing conditions, that the project as permitted will not have any adverse effects upon the interests protected by the Nantucket Wetlands Protection Bylaw; that there are no other reasonable alternatives; that the project as permitted and adjacent resource area are previously altered and are not within the control of the project owner/applicant, such as a public street; and that the project as permitted will improve the natural capacity of a resource area to protect the interests identified in the Bylaw. Accordingly waivers are granted under the authority of Sections 1.0300(2) and 1.030F)(3)(a, c, d, and e).