



Conservation Commission  
Town of Nantucket  
131 Pleasant St., 2<sup>nd</sup> Floor  
Nantucket, MA 02554

July 19, 2023

Dear Commissioners:

I am writing today on behalf of our Board of Directors regarding the newly proposed Wetland Protection Regulations. Note, the following comments do not necessarily reflect the sentiments of our membership, with whom we have not had the chance to meet with collectively since the new regulations were proposed.

However, as the details of the new regulations are just now coming to light, we, as a Board, feel compelled to write to express our many questions and concerns and to urge the Commission to delay a vote on the proposed changes to allow additional time for adequate public engagement, review and comment.

It is our understanding that the proposed changes under consideration would expand the current buffer zones by 25ft so that the “no structures” limit would increase from 50 to 75ft, and furthermore that, in some cases, this buffer would expand to 100ft. In response to this understanding, we seek clarification and responses to the following:

- How many current structures would become non-conforming? Are all of those properties to come back to a Conservation Commission meeting to seek a variance? Would those properties be grandfathered?
- Have there been any impact studies as to what this would mean for current homeowners? How many current homes would suddenly be “over the line?” What does this mean for those property owners in the short term, as well as longer-term real estate planning? We imagine the new changes could be devastating for many families who may have envisioned assisting their children/families with achieving the Nantucket dream of home ownership by providing a piece of their family land and now suddenly are without buildable land as result of these changes. Has this been studied?
- What triggers enforcement of the new regulations? Is this tied to any new building permit?
- How many buildable lots that currently have no structures would be impacted?

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- What happens to the properties that currently do have the ability to be built upon, but with the new regulations cannot be built upon? Will property owners be compensated for this loss in value?
- Are there any studies that empirically show the net benefit to the environment as a result of these regulation changes? Has the Commission considered what happens to the affected Nantucket property owner who is impacted by these changes?
- How would these changes impact the Town's tax base and is there a loss in tax revenue for the Town? What would this mean for the vital resources of the year-round community?
- What impacts would our local tradespeople expect if these changes are enforced? Have the impacts to our year-round economy been evaluated?
- What legal ramifications do these changes pose to the Town or to property owners?

Another proposed change appears to prohibit the repair of existing coastal engineered structures. Would this change make it impossible for any type of erosion control? Have impact studies been performed to determine how many current wetland and waterfront homeowners would be affected by this change in policy?

A third area of concern pertains to areas deemed subject to coastal flooding and a prohibition of structures deemed subject to coastal flooding. Do these changes allow the Commission to redefine what coastal flooding areas are? Is it true that pools would be banned in such areas?

Lastly, it seems that patios, impervious materials, and other previously allowed materials will now be prohibited or severely regulated in what are deemed “sensitive areas.” How are these determinations made? And how are properties with pre-existing, previously-approved materials in these zones be affected should the property owners undertake additional improvements?

As a Board, we realize we may not have all of the information. We are unclear on the impacts of the proposed changes, in large part because none of this has been presented or explained—to us as key stakeholders, or to the general public at large. There must be a greater effort undertaken for public outreach and more time dedicated for community review and feedback.

Perhaps, more than anything, that is the point of this letter. There is simply not enough information currently available for any property owner, or realtor/architect/builder/etc., or Board to fully grasp what the current proposal entails, or what the impacts of these proposed changes may be. With that in mind, our Board respectfully asks the Commission to defer a vote on these proposed changes so that all Nantucketers are allowed a greater opportunity to be informed, heard, and involved in the regulatory process.

Respectfully,

*Frank Daily*

Frank Daily; President

*On Behalf of the Board of Directors*