



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

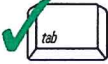
Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>11 Flora Street</u>	<u>Newburyport</u>	<u>01950</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42.807700</u>	<u>-70.816805</u>
	d. Latitude	e. Longitude
<u>75</u>	<u>273 & 274</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Michael & Michelle</u>	<u>Ywuc</u>
a. First Name	b. Last Name
<u>c. Organization</u>	
<u>11 Flora Street</u>	
d. Street Address	
<u>Newburyport</u>	<u>Ma</u>
e. City/Town	f. State
<u>(978) 804-9482</u>	<u>01950</u>
h. Phone Number	g. Zip Code
<u>i. Fax Number</u>	<u>Ywucmd@Gmail.com</u>
	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>a. First Name</u>	<u>b. Last Name</u>
<u>c. Organization</u>	
<u>d. Street Address</u>	
<u>e. City/Town</u>	<u>f. State</u>
<u>h. Phone Number</u>	<u>g. Zip Code</u>
<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>Matthew</u>	<u>Steinel</u>
a. First Name	b. Last Name
<u>Millennium Engineering, Inc.</u>	
c. Company	
<u>62 Elm Street</u>	
d. Street Address	
<u>Salisbury</u>	<u>Ma</u>
e. City/Town	f. State
<u>(978) 463-8980</u>	<u>01952</u>
h. Phone Number	g. Zip Code
<u>(978) 499-0029</u>	<u>MSteinel@Mei-MA.com</u>
i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110 + Local Fee</u>	<u>\$42.50</u>	<u>\$67.50 + Local Fee</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Demolition of the existing multi-story deck and the construction of a new residential addition including a 2-story deck and a 3rd floor balcony. Additional site improvements include the planting of 4 native bushes.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Essex

a. County

38987

c. Book

b. Certificate # (if registered land)

20

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. Riverfront Area
1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	35 +/-	
	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input checked="" type="checkbox"/> Rocky Intertidal Shores	0	

	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	< 10 (From Piles)	

	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

Aug. 1, 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area 0.2% (5.5% Temporary Impacts)
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



SALISBURY
6 ELM ST UNIT C
SALISBURY, MA 01952-9998
(800)275-8777

03/17/2022 09:09 AM

Product	Qty	Unit	Price
First-Class Mail®	1		\$2.16

Large Envelope
Westborough, MA 01581
Weight: 0 lb 5.50 oz
Estimated Delivery Date
Sat 03/19/2022
Certified Mail®
Tracking #: 70192970000039404719
Affixed Postage
Affixed Amount: \$5.91
Total \$0.00

Grand Total: \$0.00

Every household in the U.S. is now
eligible to receive a second set
of 4 free test kits.
Go to www.covidtests.gov

USPS is experiencing unprecedented volume
increases and limited employee
availability due to the impacts of
COVID-19. We appreciate your patience.

Text your tracking number to 28777 (2USPS)
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.

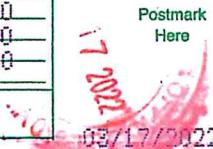


or call 1-800-410-7420.

UFN: 242174-0952

7 1022 2620 0000 3940 4719

U.S. Postal Service™		1214031	
CERTIFIED MAIL® RECEIPT			
Domestic Mail Only			
For delivery information, visit our website at www.usps.com ®			
Westborough, MA 01581			
OFFICIAL USE			
Certified Mail Fee	\$3.75	0952	11
Extra Services & Fees (check box, add fee as appropriate)	\$0.00		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$2.16		
Total Postage	\$5.91		
Sent To	Natural Heritage and Endanger Species Program		
Street	Division of Fisheries and Wildlife		
City, State	1 Rabbit Hill Road		
	Westborough MA 01581-3337		
PS Form			uctions





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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Plan to Accompany a NOI Application showing Proposed Site Improvements

a. Plan Title

Millennium Engineering, Inc.

Eric W. Botterman, P.E.

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number 2247

3. Check date 3/15/22

4. State Check Number 2246

5. Check date 3/15/22

6. Payor name on check: First Name Michael & Michelle

7. Payor name on check: Last Name Ywuc



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

3 / 15 / 2022

2. Date

3. Signature of Property Owner (if different)

4. Date

3 / 15 / 2022

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

11 Flora Street Newburyport
 a. Street Address b. City/Town
2247 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Michael & Michelle Ywuc
 a. First Name b. Last Name
 c. Organization
 11 Flora Street
 d. Mailing Address
 Newburyport Ma 01950
 e. City/Town f. State g. Zip Code
 (978) 804-9482 YwucMD@Gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a) Work on Single Family Lot; Addition	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$110.00
State share of filing Fee:	\$42.50
City/Town share of filling Fee:	\$67.50 + Local Fee
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

51-7218/2211

2247

MICHAEL YWUC
MICHELLE YWUC
11 FLORA STREET
NEWBURYPORT, MA 01950

Date MARCH 15, 2022

Pay CITY OF NEWBURYPORT \$ 267.50
To the order of
TWO HUNDRED SIXTY-SEVEN and 50/100

PEOPLE'S UNITED BANK
PEOPLES.COM

for LEGAL AD FEE

Michelle Ywuc MP

00000000000000000000

34 2247

IN FULL BLOOM BY KATHY DAVIS

51-7218/2211

2246

MICHAEL YWUC
MICHELLE YWUC
11 FLORA STREET
NEWBURYPORT, MA 01950

Date MARCH 15, 2022

Pay COMMONWEALTH OF MA \$ 42.50
To the order of
FORTY-TWO DOLLARS and 50/100

PEOPLE'S UNITED BANK
PEOPLES.COM

for

Michelle Ywuc MP

00000000000000000000

34 2246

IN FULL BLOOM BY KATHY DAVIS

51-7218/2211

2248

MICHAEL YWUC
MICHELLE YWUC
11 FLORA STREET
NEWBURYPORT, MA 01950

Date MARCH 15, 2022

Pay COMMONWEALTH OF MA - NHESP \$ 300.00
To the order of
THREE HUNDRED and 00/100

PEOPLE'S UNITED BANK
PEOPLES.COM

for

Michelle Ywuc MP

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IN FULL BLOOM BY KATHY DAVIS

Project Narrative for Proposed Site Improvements
11 Flora Street, Newburyport, Ma. 01950
Dated: March 15, 2022

Site Location & Description

The subject site is a 14,451 SF parcel of land containing one single-family multi-story residential structure and is located on the northern side of Flora Street approximately 300-ft east of the Old Point Road intersection. The site is primarily covered by the primary structure, a small shed, a gravel driveway, and areas of both sand yard and vegetative landscaping/vegetative groundcover.

Project Description

The applicant(s), Michael & Michelle Ywuc, propose construction activities within an area subject to the Massachusetts Wetlands Protection Act and the City of Newburyport Wetlands Ordinance which are subject to review and approval by the Newburyport Conservation Commission and the State of Massachusetts Department of Environmental Protection.

Construction activities shall include the demolition and removal of the existing multi-story decks and the construction of a new residential addition on a pile supported foundation. Associated site improvements include a new multi-story deck with a 3rd floor balcony above and minor landscape plantings. It is the intent of this application to limit construction/staging areas to the existing driveway and to the north and northeast side of the structure. Other than limited access and minor disturbances proposed, no proposed construction/staging area shall be located or permitted within any vegetated areas. Orange construction fencing shall be installed as proposed to ensure no work or damage occurs outside of authorized work areas.

All work shall be performed in accordance with the attached project plans, the approved order of conditions and shall comply with any, and all state and local conditions or requirements.

Resource Area Delineation Methodology

In October of 2021, Mark West of West Environmental, Inc. conducted a review of existing aerial maps, available online data, and completed an onsite evaluation. At that time, it was determined that the following resource areas existed on or directly adjacent to the work area:

- 1) Coastal Dunes (310 CMR 10.28)
- 2) Barrier Beaches (310 CMR 10.29)
- 3) Rocky Intertidal Shores (310 CMR 10.31)
- 4) Estimated Habitats of Rare Wildlife for Coastal Wetlands (310 CMR 10.37)
- 5) Land Subject to Coastal Storm Flowage

Compliance with Performance Standards & Presumption of Significance

The applicant acknowledges that the resource areas identified above are present on their site and are significant to storm damage prevention and the protection of the wetland values listed in Massachusetts Wetlands Protection Act. Compliance, to the maximum extent feasible, with those performance standards has been demonstrated as follows:

Coastal Dunes (310 CMR 10.28)

In accordance with 310 CMR 10.28, coastal dunes are considered significant to storm damage prevention, flood control, marine fisheries, and the protection of wildlife habitat. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all of the proposed construction activities are located within this regulated resource area. It is our professional opinion that work proposed is in compliance with the specific performance standards listed in 310 CMR 10.28(3) as the proposed construction activities will 1) not affect the ability of waves to remove sand to and from the dune, 2) will minimize disturbance to existing vegetative cover which may result in the destabilization of the dune, 3) will not modify the dune in a way that would increase the potential storm or flood damage, 4) will not interfere with the landward or lateral movement of the dune, 5) will not cause artificial removal of sand from the dune, and 6) will not interfere with mapped or otherwise identified bird nesting habitats. No construction activities have been proposed which would directly or indirectly impact or have an adverse effect on the productivity or functionality of the coastal dune.

Barrier Beach (310 CMR 10.29)

In accordance with 310 CMR 10.29(3), barrier beaches are considered significant to storm damage prevention, flood control, marine fisheries, and the protection of wildlife habitat. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all the proposed construction activities are located within this regulated resource area. It should be noted that no specific performance standards are outlined in 310 CMR 10.29 however the proposed construction activities will 1) not reduce the natural ability of the land to absorb and contain floodwaters, 2) will not displace or divert floodwaters to other areas, 3) will not cause or create the likelihood of damage to other structures or land as debris (collateral damage), 4) will not cause ground, surface or salt-water pollution triggered by coastal storm flowage, and 5) will not restrict the natural movement of sand or floodwaters. No construction activities have been proposed which would directly or indirectly impact or have an adverse effect on the productivity or functionality of the barrier beach.

Rocky Intertidal Shores (310 CMR 10.31)

In accordance with 310 CMR 10.31(3)&(4), Rocky Intertidal Shores are considered significant to storm damage prevention, marine fisheries, and the protection of wildlife habitat. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all the proposed construction activities are located outside of this regulated resource area. Therefore it is our professional opinion that work proposed is in compliance with the specific performance standards listed in 310 CMR 10.31(3)&(4) as the proposed construction activities will 1) not affect the form or volume of exposed intertidal bedrock and boulders, 2) will minimize or eliminate adverse effects to the resource area, 3) will have no adverse effects on water circulation, or water quality, and 4) will not interfere with mapped or otherwise identified bird nesting habitats or marine fisheries. No construction activities have been proposed which would directly or indirectly impact or have an adverse effect on the productivity or functionality of the Rocky Intertidal Shore.

Estimated Habitat of Rare Wildlife for Coastal Wetlands (310 CMR 10.37)

Attached, please find a copy of the current Natural Heritage and Endangered Species Program map dated August 1, 2021. The map shows that a portion of the proposed construction activities are located within a mapped, known, or certified area of "*Priority Habitat of Rare Species*", "*Estimated Habitat of Rare Wildlife*", and/or "*Certified Vernal Pools*". For this reason, a copy of the Notice of Intent plan and application has been filed with the Natural Heritage and Endangered Species Program.

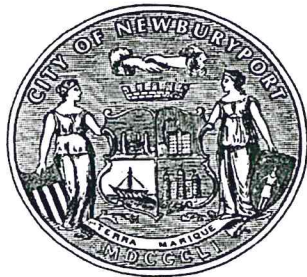
Land Subject to Coastal Storm Flowage

All proposed construction/project activities shall take place within this regulated resource area and therefore direct impacts are proposed. It is our professional opinion that work proposed is in compliance with the specific performance standards listed as the proposed residential addition and deck shall be constructed on open piles above the base flood elevation in accordance with state and local requirements and no impervious surfaces are proposed. Proposed construction activities will not have an increased or adverse effect on the resources ability to contain flood waters or impact the natural movement of water or sediment.

Preliminary Construction Schedule
11 Flora Street, Newburyport, Ma. 01950
Dated: March 15, 2022

The following construction schedule is provided as a guide to help ensure proper compliance with the conservation commission approval. The contractor shall always keep a copy of the approved plans and the approved order of conditions onsite and available for inspection while work is being performed. Any changes to construction or this schedule should be discussed with the design engineer, project architect, and the conservation commission agent prior to implementing the change to ensure proper compliance with the approval and all code requirements. If there is a conflict between the details in this document, the approved plans, and the approved order of conditions issued by the Conservation Commission, the order of conditions shall supersede and be adhered to at all times.

- 1) Contact the Conservation Commission Agent (978) 465-4400 to schedule a pre-construction site walk to inspect any construction fencing or erosion control installation, if required, and discuss any special conditions and/or questions pertaining to the approval.
- 2) Complete any site work prep needed prior to beginning any construction activities. Contact appropriate utility companies and Digsafe to ensure all utility services are marked out, turned off, and/or disconnected from the existing dwelling.
- 3) Install plywood protective surface over vegetation on the Southern side of the building as shown on the approved notice of intent plan. All machinery, heavy equipment, and heavy foot traffic is limited to this area during demolition and construction activities.
- 4) Completely demolish the existing multi-story deck and dispose of all debris appropriately in accordance with all local and state requirements. Additional demolition requirements or conditions may have been imposed by the conservation commission or the building inspector, so the contractor is to completely review all state and local requirements and any special conditions listed in the approved Order of Conditions and the building permit.
- 5) Begin installation of new pilings and start construction of the addition and decks.
- 6) Upon completion of all activities described above in #3, #4, and #5 the proposed plywood protective surface shall be removed and disposed of in accordance with any state or local requirements.
- 7) Contractor shall inspect all vegetative surfaces and replace any damage with appropriate native plant species shown on the approved plan or an approved alternative species as listed on the Massachusetts Coastal Zone Management list of approved plants. Alternate species must be approved by the conservation commission agent prior to purchase and installation.
- 8) Begin installation of native shrubs and dune grass mitigation area by cutting existing sod and appropriately disposing of material in accordance with federal, state, and local requirements. Low areas resulting from sod removal shall be shimmed using appropriate dune quality sand material prior to installation of new shrubs and dune grass plantings.
- 9) Upon completion of all construction activities, site stabilization, and any monitoring period, if any is required, the applicant/homeowner shall contact their engineer/surveyor to produce and submit an As-Built plan along with the application to request a certificate of compliance stamped by the engineer or surveyor. This request shall point out all the inconsistencies with the approved design plan and with what is presented on the As-Built plans. It is highly recommended that the contractor and/or homeowner submit copies of records showing plant quantity and species to both the conservation commission and their engineer as well as retaining a copy for their records until such time that the certificate of compliance is issued.



City of Newburyport
Office of the Assessor
60 Pleasant Street / P.O. Box 550
Newburyport, MA 01950
978-465-4403 / Fax 978-462-8495
assessor@cityofnewburyport.com

March 15, 2022

To: Newburyport Conservation Commission
From: Newburyport Board of Assessors
Re: Abutters List: 11 FLORA STREET

Newburyport Map: 75 Lots: 273 & 274

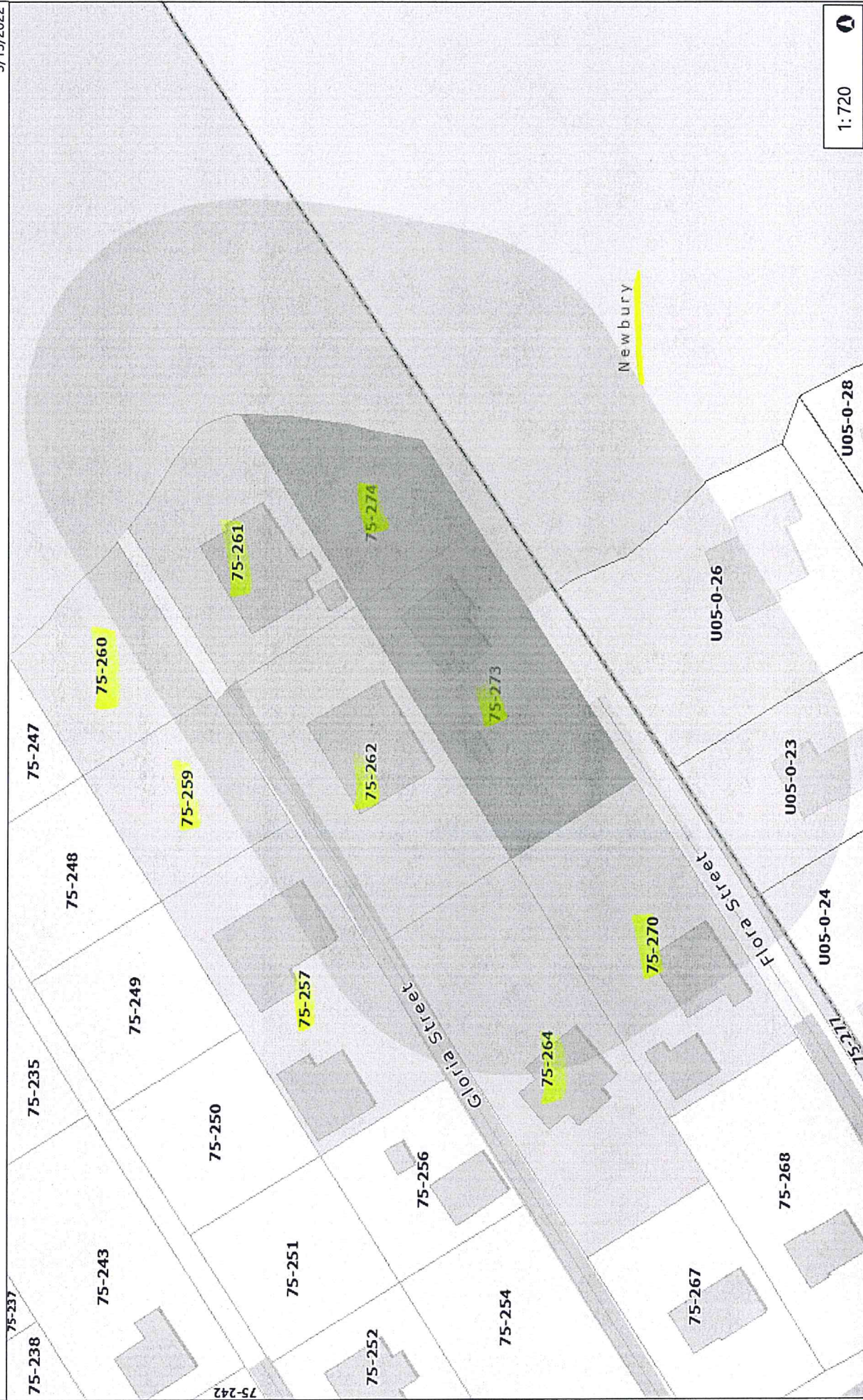
The following are the abutters of the above mentioned property:

Board of Assessors

Gill Brennan

The Assessors Office is certifying that the persons listed in the foregoing list of abutters are the owners of record of the foregoing properties as of January 1, 2022. The city Assessor is not certifying that the persons so listed are the persons who are required to receive notification under applicable law.

City of Newburyport



1:720



- Legend**
- Municipal Boundary
 - Intermittent Stream
 - Interstate
 - Major Road
 - Local Road
 - Paved
 - Unpaved
 - Road Right of Way
 - Hydrographic Features
 - Parcels
 - Streams
 - Newbury Parcels
 - Stream

Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

75/ 257/ / /
PINE MARK J
MARGEN S KELSEY T/E
7 GLORIA ST
NEWBURYPORT, MA 01950

75/ 259/ / /
PINE MARK J
MARGEN S KELSEY T/E
7 GLORIA ST
NEWBURYPORT, MA 01950

75/ 260/ / /
PINE MARK J
MARGEN S KELSEY T/E
7 GLORIA ST
NEWBURYPORT, MA 01950

75/ 261/ / /
JOHNSTON NEIL
D JOAN R JOHNSTON T/E
16 GLORIA ST
NEWBURYPORT, MA 01950

75/ 262/ / /
LAGASSE KEVIN J & ELLEN F TRS
KEVIN & ELLEN LAGASSE TRUST OF 2
14 GLORIA ST
NEWBURYPORT, MA 01950

75/ 264/ / /
PELLETIER JAMES E
NANCY FRANKEL PELLETIER T/E
53 EVERGREEN DR
EAST LONGMEADOW, MA 01028

75/ 270/ / /
GABAREE NANETTE
PETER BERRY J/T
PO BOX 476
NEWBURYPORT, MA 01950

75/ 273/ / /
YWUC MICHAEL & MICHELLE T/E
11 FLORA ST
NEWBURYPORT, MA 01950

75/ 274/ / /
YWUC MICHAEL & MICHELLE T/E
11 FLORA ST
NEWBURYPORT, MA 01950



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

**Notification to Abutters Under the Massachusetts Wetland Protection Act
and the City of Newburyport Wetlands Ordinance**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the City of Newburyport Wetlands Ordinance, you are hereby notified of the following:

- A. The name of the applicant is: Michael & Michelle Ywuc
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the City of Newburyport seeking permission to remove, fill, dredge or alter an area subject to protection under the "Wetlands Protection Act" (General Laws Chapter 131 Section 40) and the City of Newburyport Wetlands Ordinance. The project proposed is for the demolition of the existing multi-story deck and the construction of a new residential addition including a 2-story deck and a 3rd floor balcony with minor landscaping. Regulated Resource Areas: Coastal Dune - Barrier Beaches, Rocky Intertidal Shores, Estimated Habitat of Rare Wildlife, & Land Subject to Coastal Storm Flowage
- C. The address of the lot where work is proposed is: 11 Flora Street
- D. The public hearing will be held on April 5, 2022 at 6:45 pm. Said hearing shall be located either in the Senior/Community Center or online via remote participation with confirmation and access information to be posted on the City website meetings calendar at www.CityofNewburyport.com/Calendar. All interested parties should look to the meetings calendar on the City website as the hearing date approaches.
- E. Copies of the Notice of Intent may be examined by visiting www.CityofNewburyport.com/Conservation-Commission and selecting the meeting agenda or by stopping into the City of Newburyport Conservation Commission Office, located at 60 Pleasant Street during all normal department hours of operation Monday thru Friday. Although not necessary it is recommended that you call (978) 465-4400 in advance to schedule an appointment with the conservation commission agent.
- F. The applicant's representative is: Millennium Engineering, Inc. Copies of the Notice of Intent may be obtained from the applicant's representative for a printing charge of \$10.00/per set by calling (978) 463-8980 between the hours of 9am and 3pm Monday thru Thursday or by stopping by the office located at 62 Elm Street in Salisbury.

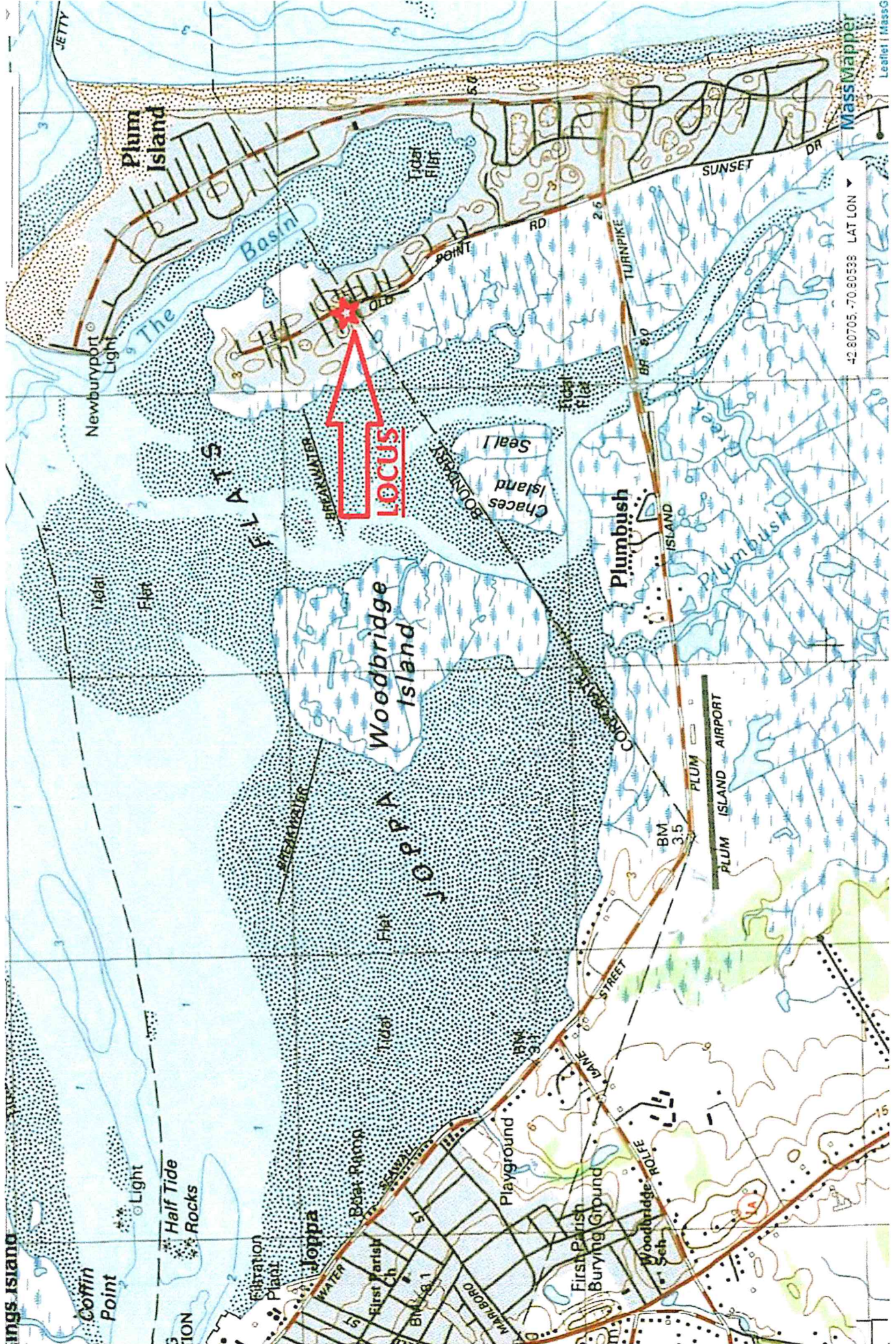
NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the Newburyport Daily News.

NOTE: Notice of the public hearing, including its date, time, and place will be posted at the City/Town Hall not less than forty-eight (48) hours in advance.

NOTE: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection (DEP) Regional Office for more information about this application or the Wetlands Protection Act. Contact Information:

Millennium Engineering, Inc.: (978) 463-8980 Email: MSteinel@Mei-MA.com
Mass DEP Northeast Region: (978) 694-3200
Newburyport Conservation Commission: (978) 465-4400 Email: JGodtfredsen@CityofNewburyport.com

Massachusetts: 62 Elm Street Salisbury MA 01952 Phone: 978-463-8980 Fax: 978-499-0029 www.mei-ma.com
New Hampshire: 13 Hampton Road Exeter NH 03833 603-778-0528 603-772-0689 www.mei-nh.com



MassMapper
42.80705, -70.80593 LAT/LON

Leaflet | MassGIS



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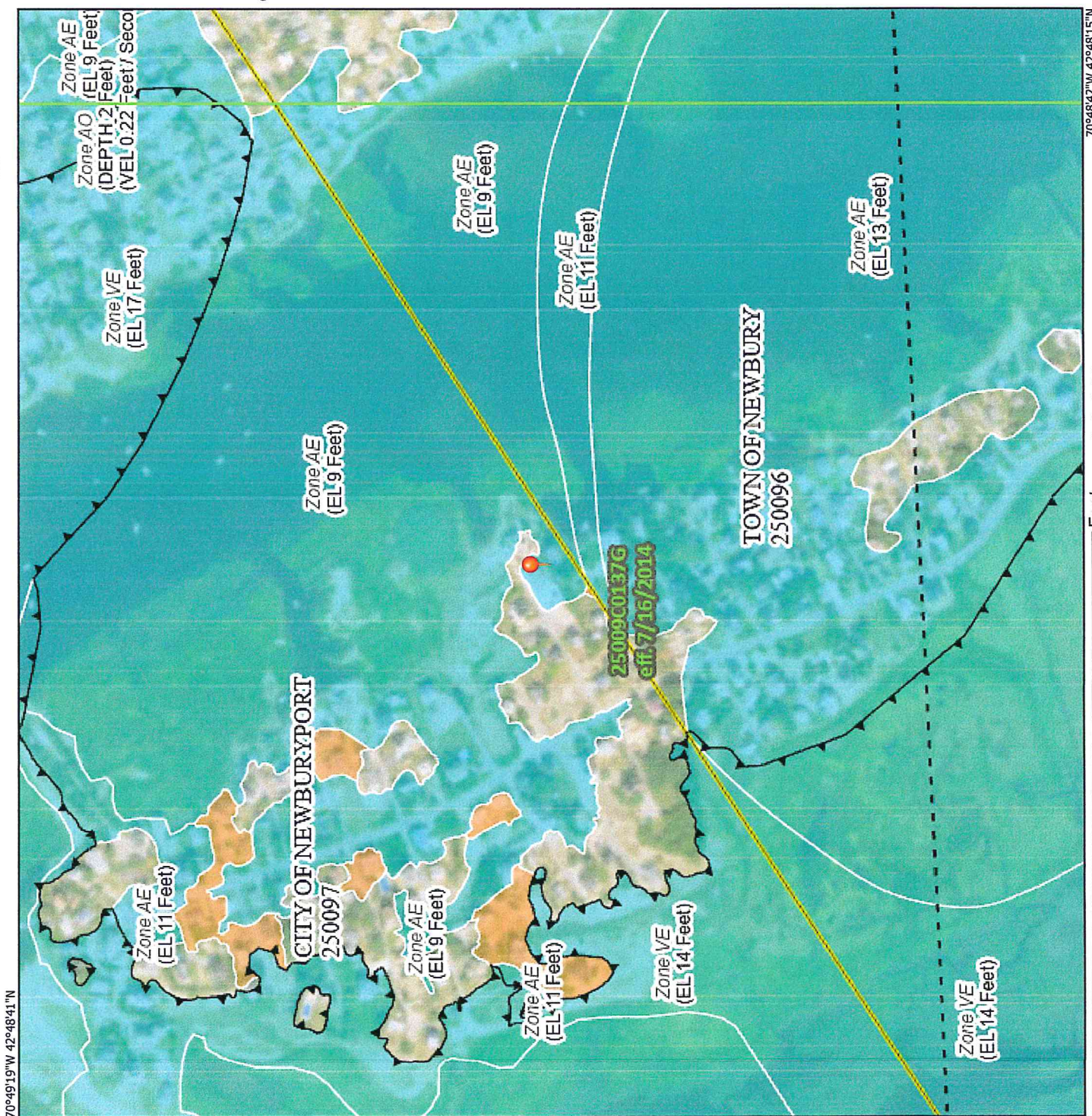
GLORIA STREET

ELORA STREET

National Flood Hazard Layer FIRMette



70°49'19"W 42°48'41"N



70°48'42"W 42°48'15"N
 Basemap: USGS National Map. Data refreshed October 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone I

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/5/2021 at 10:51 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.