

HUGHES ENVIRONMENTAL CONSULTING

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BRP WPA Form 3 – Notice of Intent

(M.G.L. c. 131, §40 and Newburyport Ordinance Chapter 6.5: Environment, Article II: Wetlands Protection Ordinance)

20 Henry Graf Jr. Road



Submitted to:

Newburyport Conservation Commission
Office of Planning and Development
60 Pleasant Street, 1st Floor
Newburyport, MA 01950

Prepared by:

Hughes Environmental Consulting
44 Merrimac Street
Newburyport, MA 01950

In Association with:

McKenzie Engineering Group, Inc.
150 Longwater Drive Suite 101
Norwell, MA 02061

On behalf of:

Sports Medicine North Orthopedic Surgery, Inc.
C/O ConServ Group, Inc.
110 State Road
Sagamore Beach, MA 02562

Copies to:

MassDEP NERO
205B Lowell Street
Wilmington, MA 01887

April 30, 2020

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PROJECT NARRATIVE

to Accompany a

NOTICE OF INTENT

For

Sports Medicine North Orthopedic Surgery, Inc.

20 Henry Graf Jr. Road

Newburyport

April 30, 2020

Overview

Sports Medicine North Orthopedic Surgery, Inc., ConServ Group, Inc. is seeking approval to construct a new medical office building with associated parking, utilities, stormwater management features, and associated landscaping on a heavily disturbed 2 acre site at 20 Henry Graf Jr. Road. The proposed development will consist of the construction of a 20,000 square ft. (GFA) medical office building with related site improvements including asphalt parking area and access driveway, landscaping, stormwater management facilities, utility connections and other relevant infrastructure.

Sports Medicine North (SMN) was founded in 1994 by Dr. Jeffrey Polansky who has grown the practice to include 17 specialty trained orthopedic surgeons and specialists providing services to patients throughout the region. Currently, the SMN services are divided into two separate locations, with the orthopedic practice in a different location than the physical therapy facility. The new office will provide for approximately 17 medical and administrative staff for the orthopedic practice and 12 physical therapists and support physical therapy in one location to better serve the SMN patients.

Current site conditions

The property has frontage on Henry Graf Jr. Road to the east and is bordered by developed commercial and light industrial property to the north, south and west. There are swales located on all 4 sides of the property, which serve as intermittent streams providing hydrologic connection between the bordering vegetated wetlands within the Newburyport Industrial Park. All swales present had some areas of vegetated wetland to which they connect. The swale to the north is a very slight grassed swale that runs along the entry drive to 18 Henry Graf Jr. Road. The western swale has a large area of bordering wetlands that is comprised primarily of phragmites. The southern swale is more stream like, with a floodplain like shelf that has a more diverse population of shrubs, including some native dogwoods. The eastern swale is the main drainage along Henry Graf Jr. Road and has some minor bordering wetlands associated with it.

In January 2020 Hughes Environmental Consulting (HEC) delineated the wetlands on site. There is an obvious change in soils, hydrology and vegetation along the line. The boundary continues along the topographic break in slope where there is an obvious change in soils from hydric wetland soils with redox to brighter soils and fill in the upland. Generally the wetlands on site were delineated by obvious changes in vegetation that corresponded with edge of fill. To the rear of the site, the wetlands extend partially up the filled slope where a swale separating the

property from the neighboring site is filled with Phragmites. The entire site is located within the buffer zone to wetlands.

The parcel is currently developed as a contractor's yard with storage of heavy equipment and large stockpiles of various types of fill. Prior to its use as a contractors yard, the site was part of the Pleasant View Airport, in the area of the runway. The perimeter of the site is mainly vegetated with invasive plants, including buckthorn, multiflora rose, and phragmites. The topography of the site ranges in elevation from approximately 16.5 ft. (NAVD 1988) slightly west of the center of the site to elevations of approximately 13-14 ft. (NAVD 1988) at the wetland boundaries at the perimeter of the property. The site has a municipal drainage easement located at the eastern property line along the frontage of Henry Graf Junior Road. There are no on site stormwater controls. The existing and proposed site conditions are illustrated on the Site Development Plans attached.

Proposed Project

The project includes a two story medical office building with parking, utilities and stormwater management and landscaping with native species. The building will cover approximately 10,000 square feet. Overall the site has been designed to minimize earthwork and comport with existing grades to the extent practicable. Landscaping consists of native trees, shrubs, and seed mixes. "Lawn" areas will be seeded with a low mow fescue, which provides for less maintenance and a deep rooted drought tolerant vegetative cover. See the project plans for more detail on plantings proposed.

The proposed building is setback 160 feet from Henry Graf Junior Road, 25 feet from the northerly side lot line and 168 feet from the westerly rear lot line. The implementation of the project will result in a more favorable condition than the present as the site will be permanently stabilized with no potential for erosion or migration of sediments or pollutants into the downgradient bordering vegetated wetlands and the project will provide for native vegetation within the buffer zone. The entire footprint of the project is within an area currently devoid of vegetation.

The stormwater management system has been designed to attenuate peak runoff rates for statistical 2, 10, 25, and 100-year storm events to ensure that there will be no adverse impacts to downgradient properties or the municipal drainage system. Renovation of stormwater will be provided by a treatment stream consisting of parking lot maintenance and sweeping, deep sump catch basins, proprietary pre-treatment units and stormwater detention basins to mitigate the anticipated pollutant loading. The implementation of these measures will ensure that there will be no increase in post-development rates of runoff from this development.

Wetlands Protection Act

Buffer Zone to Wetlands

Erosion controls are being installed along the limit of work, and best management practices with regard to site stabilization will be followed to prevent any sediment from entering the wetland area.

Stormwater

See the attached stormwater report. The project results in a significant reduction in sediment loading within the swale system that ultimately drains to the Little River. Cleaner stormwater being generated will benefit the adjacent wetlands as well as the overall watershed.

Newburyport Wetlands Ordinance & Regulations

In addition to the Wetlands Protection Act, the project falls under the Newburyport Wetlands Ordinance.

Ordinance, 6.5-34.B.

...Disturbance of any kind is prohibited within this 25-Foot No-Disturbance Zone including but not limited to grading, landscaping, vegetation removal, pruning, cutting, filling, excavation, roadway construction and /or driveway construction. Within the No Disturb Zone established by the Commission, no grading, planting, site work, construction, or storage of materials is allowed. Vegetation in the No Disturb Zone shall not be cut or trimmed in any manner unless authorized by the Commission as part of regular maintenance required for man-made drainage systems (such as seasonal mowing).

Notwithstanding the above limitations, no activity which will result in the alteration of land within the presumptive No Disturbance Zone shall be permitted by the Commission with the following exceptions:

...J. Where a lot is located entirely within buffer area, the Commission may permit activities within the buffer area when the applicant has demonstrated that the proposed work has been designed to minimize impacts to the buffer area. As mitigation, the Commission may require the applicant to plant or maintain a naturally vegetated buffer of the maximum feasible width given the size, topography, and configuration of the lot...

The existing site is already developed and heavily disturbed right up to the property lines and within the 25 foot no disturb zone. The project qualifies under the above subsection of the Ordinance for relief from the 25 foot no-disturb zone and the applicant has taken steps to restore some function to the 25 foot no-disturb zone to the extent possible while providing for sufficient office space and parking to meet patient needs. The overall impact of the project is an improvement in the function of the 25 foot no disturb zone as well as better water quality within the wetlands themselves.

Regulations, Section 8.A.4. 4. Performance Standards for Buffer Zones

The following standards apply to the Buffer Zone of all the resource areas identified in Sections 6(A)(2)(a through d) of these Regulations:

(a.) 25-Foot No-Disturbance Zone. Except as otherwise provided in these Regulations, no activity is permitted within 25 feet of the delineated edge of the above-mentioned wetland resource areas as defined in Section 6(A)(2)(a through d). The Commission has adopted this standard because the alteration of land immediately adjacent to a wetland or water body is likely to result in the alteration of the wetland itself. Alterations typically result from extension of lawns, depositing/dumping of yard waste, over-grading, siltation, extension of impervious areas, deposition of construction debris, unregulated filling, and clearing of vegetation, all of which is prohibited.

The ordinance provides the Commission with discretion to approve projects in the buffer zone that are located on lots entirely within the buffer zone. Regulations can not be more stringent than the enabling ordinance. In addition, the site is currently 100% disturbed.

(b.) No-Disturbance Zone Demarcation. To maintain the perpetual integrity of the No-Disturbance Zone and to ensure that there will be no encroachments into this Zone by the applicant or future owners of the subject property, the Commission may require the No-Disturbance Zone to be marked on the ground, at the applicant's expense, with permanent markers. These markers shall be made of weather resistant material (e.g., granite, or concrete), and the Commission shall determine their number, size and location. The Commission may require one or more of these markers to bear, on their upland side, writing (i.e. permanent plaque or engraving) that shall read "No Disturbance Beyond This Point By Order of the Newburyport Conservation Commission."

In this case, it would make no sense to mark the no-disturb zone at 25 feet, since the area is currently developed.

(c.) Limit on scope of alteration. In addition to complying with the above setbacks, the total disturbance to the Buffer Zone by any project or projects cumulatively shall not exceed twenty percent (20%) of the Buffer Zone existing on the project site (e.g., if a project site has a total of 100 square feet of Buffer Zone and Project "A" disturbs 20 square feet of that Buffer Zone, any subsequent development of that site will have to avoid any disturbance of the Buffer Zone).

Due to the previous disturbances on site, and the overall improvement to the site from the project, we ask the Commission to consider this standard met.

(d.) Minor activities in the outer 50 feet of the Buffer Zone. Minor activities that are proposed within the outer 50 feet of the Buffer Zone (50 feet or more from the delineated edge of the wetland resource) may be allowed through a "Letter Permit" at the discretion of the Commission's agent. Minor activities are those that in the judgment of the Commission's agent or the Commission will not have an impact on the resource area.

This section does not apply.

(e.) Activities prohibited in the Buffer Zone. Underground fuel storage tanks and other structures or facilities for the storage of gasoline, oil, or other fuels or hazardous materials located outside of any dwelling or building shall not be located in any Buffer Zone.

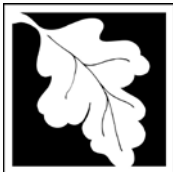
No such structures or facilities are proposed.

(f.) Additional conditions. For work in the Buffer Zone, the Commission may impose conditions to protect the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The Commission may consider the characteristics of the buffer zone, such as the presence of steep slopes, which may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid adverse impact on resource areas. The Commission may require erosion and sedimentation controls during construction, a clear plan of work, and the preservation or addition of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the Buffer Zone.

The Notice of Intent includes provisions to protect the wetlands during work in the form of erosion controls. To the extent they occur on property, the applicant is willing to implement invasive species control measures as part of the project and would accept a condition to that effect.

Conclusion:

In summary, the project as proposed complies with the Wetland Protection Act, the Newburyport Wetlands Ordinance, and the Newburyport Wetlands Regulations. We ask that the Commission approve the project as proposed.



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

Newburyport
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>20 Henry Graf Jr. Road</u>	<u>Newburyport</u>	<u>01950</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.802581</u>	<u>-70.884426</u>
	d. Latitude	e. Longitude
<u>82</u>	<u>2-B</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Roy</u>	<u>Catignani</u>	
a. First Name	b. Last Name	
<u>Sports Medicine North Orthopedic Surgery, Inc. C/O ConServ Group, Inc.</u>		
c. Organization		
<u>110 State Road</u>		
d. Street Address		
<u>Sagamore Beach</u>	<u>MA</u>	<u>02562</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u>rcatignani@conservgroup.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

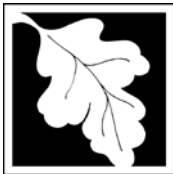
<u>John D</u>	<u>Hartnett, trustee</u>	
a. First Name	b. Last Name	
<u>Ocean Realty Trust</u>		
c. Organization		
<u>8 Henry Graf Jr. Road</u>		
d. Street Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Thomas</u>	<u>Hughes</u>	
a. First Name	b. Last Name	
<u>Hughes Environmental Consulting</u>		
c. Company		
<u>44 Merrimac Street</u>		
d. Street Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u>978-465-5400</u>	<u>978-465-8100</u>	<u>thughes@hughesenvr.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>1050.00</u>	<u>512.50</u>	<u>537.50</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:

Construct new medical office building with associated parking, utilities, and landscaping

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 CMR10.24(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 South

a. County

12598

c. Book

b. Certificate # (if registered land)

0271

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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	2. square feet
	3. cubic yards dredged	

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

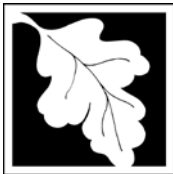
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

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 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 type="checkbox"/> Coastal Dunes	_____	_____
	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 type="checkbox"/> Rocky Intertidal Shores	_____	
	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 type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	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.

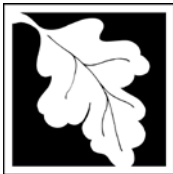
a. square feet of BVW

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**

August 1, 2017
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).*

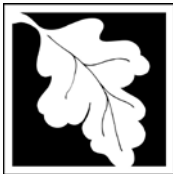
c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ 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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; 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:

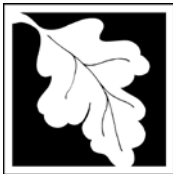
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

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@state.ma.us

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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.

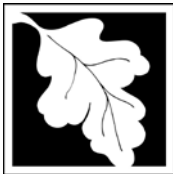
D. Additional Information

- 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.



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
Newburyport
City/Town

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.

Site Development Plans – Proposed Medical Building – 20 Henry Graf Junior Road, Newburyport, Massachusetts	
McKenzie Engineering Group Inc.	Bradley C. McKenzie, PE
b. Prepared By	c. Signed and Stamped by
April 29, 2020	varies
d. Final Revision Date	e. Scale
Elevation View Plan	
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:

<u>3773</u>	<u>4/30/2020</u>
2. Municipal Check Number	3. Check date
<u>3772</u>	<u>4/30/2020</u>
4. State Check Number	5. Check date
<u>Hughes Environmental Consulting</u>	
6. Payor name on check: First Name	7. Payor name on check: Last Name



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

Newburyport

City/Town

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.

Robert C. Colegrove, President C.G.I.R.C. 04/30/2020
1. Signature of Applicant 2. Date

3. Signature of Property Owner (if different) 4. Date

[Signature] 4/30/2020
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:

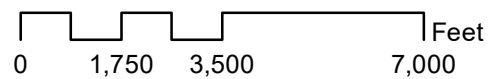
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.

20 Henry Graf Jr. Road USGS Location Map



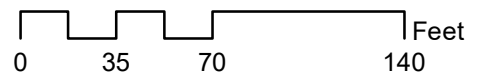
Prepared by Hughes Environmental Consulting
Data Source Office of Geographic and Environmental Information (MassGIS),
Commonwealth of Massachusetts Executive Office of Environmental Affairs



20 Henry Graf Jr. Road 2019 Orthophoto



Prepared by Hughes Environmental Consulting
Data Source Office of Geographic and Environmental Information (MassGIS),
Commonwealth of Massachusetts Executive Office of Environmental Affairs



20 Henry Graph Jr. Road - Site Photos



Looking into the site



Looking from rear of site towards Graf Road



Entry along Graf Road



Wetland Area to south of site



Entry to 18 Graf, wetlands to left of entry



Wetlands at western end of property



Massachusetts Department of Environmental Protection
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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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:

8 Henry Graf Jr. Road	Newburyport
a. Street Address	b. City/Town
3772	512.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Roy	Catignani	
a. First Name	b. Last Name	
Sports Medicine North Orthopedic Surgery, Inc. C/O ConServ Group, Inc.		
c. Organization		
110 State Road		
d. Mailing Address		
Sagamore Beach	MA	02562
e. City/Town	f. State	g. Zip Code
	rcatignani@conservgroup.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

John D.	Hartnett, trustee	
a. First Name	b. Last Name	
Ocean Realty Trust		
c. Organization		
8 Henry Graf Jr. Road		
d. Mailing Address		
Newburyport	MA	01950
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).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Building including site cat 3	1	1050	1050.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			<u>1050.00</u>
Step 6/Fee Payments:			
Total Project Fee:			<u>1050.00</u> a. Total Fee from Step 5
State share of filing Fee:			<u>512.50</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>537.50</u> 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.)