



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>3 Marsh Street</u>	<u>Newburyport</u>	<u>01950</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.807732</u>	<u>-70.820911</u>
	d. Latitude	e. Longitude
<u>75</u>	<u>72</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>John (Jack) & Beverly</u>	<u>Murphy</u>	
a. First Name	b. Last Name	
c. Organization		
<u>3 Marsh Street</u>		
d. Street Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 815-1041</u>	<u>JaxBoat@Verizon.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

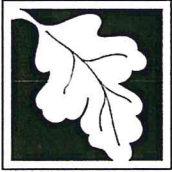
<u></u>	<u></u>	
a. First Name	b. Last Name	
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

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>	<u>01952</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 463-8980</u>	<u>(978) 499-0029</u>	<u>MSteinel@Mei-Ma.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$165 + \$50 Local Fee</u>	<u>\$70.00</u>	<u>\$95.00 + \$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:

Proposed 16' x 26.3' residential addition on piles with minor vegetation impacts and plantings.

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

a. County

8655

c. Book

b. Certificate # (if registered land)

404

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 _____	2. square feet _____
	3. cubic yards dredged _____	

<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 _____	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. Riverfront Area
- Merrimac River - Coastal
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: 5,645
square feet

4. Proposed alteration of the Riverfront Area:

<u>< 5 SF</u>	<u>< 5 SF</u>	<u>0</u>
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	< 5 SF	0
	_____	_____
	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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	< 5 SF	

	1. square feet	
4. <input type="checkbox"/> 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. <input type="checkbox"/> 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. 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 <https://www.mass.gov/mass-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.



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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:

North Shore - Hull to New Hampshire border:

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

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)

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

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.



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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 Notice of Intent in Newburyport, Ma." showing
"Existing Conditions & Proposed Site Improvements"

Millennium Engineering, Inc.

Eric W. Botterman, P.E.

b. Prepared By

c. Signed and Stamped by

May 5, 2021

1"=10'

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 526

5 / 10 / 2021

3. Check date

4. State Check Number 527

5 / 10 / 2021

5. Check date

6. Payor name on check: First Name Millennium

7. Payor name on check: Last Name Engineering, Inc.



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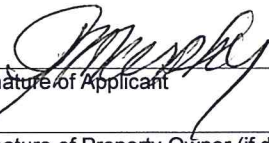
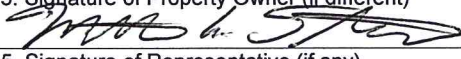
Newburyport

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.

 1. Signature of Applicant	5 / 10 / 21 2. Date
3. Signature of Property Owner (if different)	4. Date
 5. Signature of Representative (if any)	5 / 10 / 21 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:

3 Marsh Street Newburyport
 a. Street Address b. City/Town
 527
 c. Check number d. Fee amount
 \$70.00

2. Applicant Mailing Address:

John (Jack) & Beverly Murphy
 a. First Name b. Last Name
 c. Organization
 3 Marsh Street
 d. Mailing Address
 Newburyport MA 01950
 e. City/Town f. State g. Zip Code
 (978) 815-1041 JaxBoat@Verizon.net
 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).

MILLENNIUM ENGINEERING INC
62 ELM ST
SALISBURY, MA 01952-1933



Newburyport Bank

000526
53-715/2113

DATE 5/10/2021

PAY TO THE ORDER OF City of Newburyport-

\$ **145.00

One Hundred Forty-Five and 00/100*****

DOLLAR

City of Newburyport-



E W Follen
AUTHORIZED SIGNATURE

Memo

⑈000526⑈ ⑆211371502⑆

Security features. Details on back.

MILLENNIUM ENGINEERING INC
62 ELM ST
SALISBURY, MA 01952-1933



Newburyport Bank

000527
53-715/2113

DATE 5/10/2021

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ **70.00

Seventy and 00/100*****

DOLLAR

Commonwealth of Massachusetts



E W Follen
AUTHORIZED SIGNATURE

Memo

⑈000527⑈ ⑆211371502⑆

Security features. Details on back.

PROJECT NARRATIVE
for
NOTICE OF INTENT APPLICATION

John (Jack) & Beverly Murphy
3 Marsh Street
Newburyport, MA. 01950
Dated: May 5, 2021

Site Location / Description

The site is located at 3 Marsh Street on Plum Island in the Newburyport Ma. approximately 650-feet from the intersection of Marsh Street and Old Point Road. The lot is 7,153 SF in size and contains areas of both vegetated and unvegetated dune. One single-family residential structure and a shed occupies the lot with a total footprint of 1,573 SF. An existing gravel driveway is located on the eastern side of the property.

Proposed Improvements

The Applicant proposes to construct a new pile supported 16' x 26.3' single-story residential addition on the eastern face of the existing structure. Improvements may result in impacts to, or destruction of, approximately 4 ground cover shrubs and the pruning of other vegetation. The applicant proposes the installation of five (5) new Virginia Rose bushes along the north west corner of an existing deck as mitigation. No new impervious surfaces are being proposed and no impacts are proposed to any areas of critical environmental concern or Natural Heritage & Endangered Species habitat areas. Impacts to the ground are limited to areas of previous disturbances and include the installation of the proposed plantings and 3 driven piles.

Resource Area Delineation Methodology

Sergio Bonilla, PWS, CWS, CESSWI of Mission Wetland & Ecological Services, LLC. performed a site evaluation on March 11, 2021 and Millennium Engineering, Inc. performed the on-ground survey. A combination of data was used from both sources to determine and delineate the following regulated resource areas in accordance with the MA Wetlands Protection and the Newburyport Wetland Protection bylaw. Resource areas were delineated through the use of soil morphology probes, wetland plant community analysis, site hydrology, and topographical elevations. It was determined that the following resource areas exist and, where applicable, were delineated and/or documented on the site:

- 1.) Land Subject to Coastal Storm Flowage (310 CMR 10.21-10.24)
- 2.) Coastal Dunes (310 CMR 10.28)
- 3.) Barrier Beaches (310 CMR 10.29)
- 4.) Salt Marshes (310 CMR 10.32)
- 5.) Riverfront Area (310 CMR 10.58)

Land Subject to Coastal Storm Flowage (310 CMR 10.21-10.24)

A portion of the proposed project activities shall take place within this resource area and therefore direct impacts are proposed. The proposed residential addition shall be constructed on a pile supported foundation with the bottom of the proposed structure at elevation 14.6 which is greater than 2-feet above the base flood elevation in accordance with state and local requirements. With no new impervious surfaces proposed it is our professional opinion that the proposed project activities shall not reduce or impact the areas ability to absorb stormwaters and will not have an increased or adverse effect on the resources ability to contain flood waters.

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 proposed project 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 move 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 Beaches (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 project 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 project 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.

Salt Marshes (310 CMR 10.32)

In accordance with 310 CMR 10.32, salt marshes are considered significant to the protection of marine fisheries, wildlife habitat, shellfish, the prevention of pollution, and storm damage prevention. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all the proposed project activities are located outside of this regulated resource area and therefore it is our professional opinion that the work proposed is in accordance with the performance standards listed for this resource area.

Riverfront Area, Coastal (310 CMR 10.58) – Merrimac River

All project activities shall take place within this resource area and therefore direct impacts are being proposed. The following performance standards have been addressed:

10.58(4)(a) – Protection of Other Resource Areas

As identified above, several other resource areas exist on the property however proposed impacts have been minimized to the maximum extent possible and mitigation proposed in the form of vegetation plantings. The proposed mitigation shall result in a total of five (5) new shrub/bush plantings for a total net increase of one (1) additional planting. With the exception of the removal of 4 plantings, all other construction activities are proposed in previously cleared and disturbed areas. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(b) – Protection of Rare Species

No construction activities of any kind are being proposed that would have any adverse effect on any specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, or any vernal pool habitat certified prior to the filing of the Notice of Intent as shown on the most recent NHESP mapping dated Aug. 1, 2017. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(c) – Practicable and Substantially Equivalent Economic Alternatives

10.58(4)(c)(1)(a) – Cost

Proposed construction activities are already proposed in the most logical location on the property that provides the most separation distance and least impacts to the resource area. No other location provides an increase in those protections and no other alternative method of construction, currently available, would provide less impacts or is economically equivalent. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(b) – Existing Technology

No technologies currently available would allow for the development of this parcel in a way that could further reduce impacts or protect the interests outlined in the WPA. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(c) – Proposed Use

The existing single-family structure is situated in a residential neighborhood and the proposed addition fits this use. The applicant has no desire to change the characteristic of the neighborhood and believes the continued residential use is best for this site and may be the only permitted use under current zoning requirements. Additionally, it is our professional opinion that the proposed residential addition would have the smallest potential impacts as it is highly likely that other commercial or industrial uses would require more direct impacts and have a larger long-term impact to the resource areas. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(d) – Logistics

In considering the logistics of the site and proposed development the applicant has considered several other options including alternate access points, easements, smaller addition size, and moving or rotating the addition on the lot. The existing driveway, as shown, is already located at the furthest point away from the resource area and no easement or alternate access point is available that would provide further separation or enhanced protection for the resource area. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

10.58(4)(c)(2) – Scope of Alternatives

In accordance with 310 CMR 10.58(4)(c)(2)(b)(i) the area under consideration for practicable alternatives is limited to the lot, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner for any activities associated with the construction of or expansion of a single-family house on a lot recorded after August 1, 1996. The lot in question was created in or before May 1920 and no adjacent lot is owned by the current owner or applicant.

Conclusion

It is our professional opinion that the construction of the proposed addition, as presented, was the most feasible option with the least financial and environmental impacts to both the owner, the applicant, the property, and the resource areas. No other practicable and substantially equivalent economic alternative was identified which would potentially have less adverse impacts to the interests identified in the WPA.

10.58(4)(d)(1) – No Significant Adverse Impacts

It is our professional opinion that the work being proposed within the Riverfront Area shall provide no significant adverse impacts and is in compliance with this section of the state environmental code. Compliance, to the maximum extent feasible, has been demonstrated:

310 CMR 10.58(4)(d)(1)(a) allows for the alteration of up to 5,000 SF or 10% of the riverfront area (whichever is greater) within a lot created on or before after October 6, 1997 provided that: *“a minimum 100 foot wide area of undisturbed vegetation is provided or if there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation.”*

“Proposed work which does not meet the requirement of 310 CMR 10.58(4)(d)1.a. may be allowed only if an applicant demonstrates by a preponderance of evidence from a competent source that an area of undisturbed vegetation with an overall average width of 100 feet will provide equivalent protection of the riverfront area, or that a partial rebuttal of the presumptions of significance is sufficient to justify a lesser area of undisturbed vegetation.”

The activities proposed, including the proposed plantings preserves and/or extends the required vegetative buffer in the 100 foot riparian zone to the maximum extent possible. Vegetation clearing has been limited to the construction of the proposed addition and is proposed in the only area of the property that is suitable while also maximizing protection to the resource areas. Therefore, it is our professional opinion that, we are in full compliance with this section of the WPA.

310 CMR 10.58(4)(d)(1)(b) requires stormwater to be managed according to standards established by the Department in its Stormwater Policy. As this is work related to a single-family homes the proposed addition is exempt from those standards. Therefore, it's our professional opinion that work proposed is in compliance with this requirement.

310 CMR 10.58(4)(d)(1)(c) requires that work not impair the riverfront areas ability to provide important wildlife functions and will not impair its capacity to provide vernal pool habitat. No construction activities of any kind are being proposed that would have an adverse effect on any specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, or any vernal pool habitat certified prior to the filing of the Notice of Intent as shown on the most recent NHESP mapping dated Aug. 1, 2017. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

310 CMR 10.58(4)(d)(1)(d) requires that work not impair the groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution. Due to the nature of work proposed and its location to these protected resource areas we do not feel it is necessary to install erosion control measures. The applicant is not opposed to the installation of construction fencing or erosion control measures if the conservation commission deems it necessary and will work directly with the conservation commission and/or its agent when determining the proper placement, if required. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

Estimated Habitats 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, 2017. The map shows the proposed project activities are outside of any mapped, known, or certified areas of *“Priority Habitat of Rare Species”*, *“Estimated Habitat of Rare Wildlife”*, or *“Certified Vernal Pools”*. No proposed project activities shall have an adverse effect on any specific habitat sites of rare vertebrates or invertebrate species.

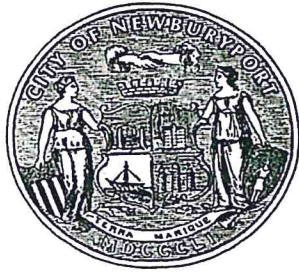
Erosion and Sedimentation Control

The applicant is not opposed to the installation of construction fencing or erosion control measures if the conservation commission deems it necessary and will work directly with the conservation commission and/or its agent when determining the proper placement, if required. Any special conditions found in the Order of Conditions relative to erosion / sediment control shall also be incorporated into the construction operations. No substitution of construction fencing or erosion control measures products may occur without first obtaining authorization from the Newburyport Conservation Commission and/or it's agent.

Preliminary Construction Schedule
3 Marsh Street – Newburyport, Ma. 01950
Dated: May 5, 2021

The following construction schedule is provided as a guide and to help ensure proper compliance with the conservation commission approval. The contractor shall keep a copy of the approved plans and order of conditions onsite and available for inspection at all times while work is being performed. Any changes in design, or this schedule should be discussed with the design engineer and the conservation commission agent prior to implementing the change to ensure proper compliance with the approval. If there is a conflict between the details in this document 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) If Required, properly install any construction fencing and/or erosion control measures in accordance conditions listed in the approved Order of Conditions. If installed, the contractor is responsible for inspecting and maintaining the construction fencing and/or erosion control measures daily throughout the life of the project and shall remove and replace any damaged sections immediately.
- 2) Contact the Conservation Commission Agent (978) 465-4400 x 4 to schedule a pre-construction site walk to inspect the construction fencing and/or erosion control installation and discuss any special conditions or questions pertaining to the approval.
- 3) Complete any site work prep needed prior to beginning any construction activities. Contact appropriate utility companies and Digsafe to ensure all services are marked on the ground.
- 4) Begin installation of piles and construction of residential addition.
- 5) Begin installation of proposed plantings.
- 6) Upon completion of all construction activities, and plantings the applicant shall turn in an As-Built plan along with an application for the Request for a Certificate of Compliance. Plan shall be prepared and stamped by a professional engineer or land surveyor. The application shall include a letter from the engineer or surveyor which shall point out all the inconsistencies with the approved design plan and with that which is shown on the As-Built plans.
- 7) Upon receipt of the certificate of compliance and with the permission of the conservation commission or its agent, the applicant shall remove and properly dispose of the temporary construction fencing.



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

March 10, 2021

To: Newburyport Conservation Commission
From: Newburyport Board of Assessors
Re: Abutters List: 3 MARSH STREET

Newburyport Map: 75 Lot: 72

The following are the abutters of the above mentioned property:

Board of Assessors

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 1st, 2021. 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

03/10/202



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.



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

75/ 56/ / /
BALMORAL DEVELOPMENT LLC
11 LUNT ST
BYFIELD, MA 01922

75/ 69/ / /
BALMORAL DEVELOPMENT LLC
11 LUNT ST
BYFIELD, MA 01922

75/ 71/ / /
PIRAINO PAUL A JR
MARIA D T/E
17 J ST
NEWBURYPORT, MA 01950

75/ 72/ / /
MURPHY JOHN P BEVERLY A TRS
PLUM ISLAND RLTY TRUST
PO BOX 1510
NEWBURYPORT, MA 01950

75/ 73/ / /
MURPHY JOHN P
BEVERLY A T/E
3 MARSH ST
NEWBURYPORT, MA 01950

75/ 74/ / /
MURPHY JOHN P
BEVERLY A T/E
3 MARSH ST
NEWBURYPORT, MA 01950

75/ 75/ / /
MURPHY BRETT P
LOUISE A
2 MARSH ST
NEWBURYPORT, MA 01950

75/ 87/ / /
MCFARLAND JOY A
37 NEWBURY NECK RD
NEWBURY, MA 01951-2405

75/ 280/ / /
LAPLUME RONALD
109 LAWRENCE ST
HAVERHILL, MA 01830

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

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

- A. The name of the applicant is John & Beverly Murphy
- 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's Wetlands Ordinance.
- C. The address of the lot where the activity is proposed is: 3 Marsh Street
_____.
- D. The Public Hearing will be held on June 2, 2021 at 7 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.
- F. Copies of the Notice of Intent may be obtained from either (check one) the applicant _____ or the applicant's representative X, by calling this telephone number (978) 463 - 8980 between the hours of 8am and 3pm, on the following days of the week: Monday thru Thursday.

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 in Newburyport City Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact the Newburyport Conservation Commission or the Department of Environmental Protection Northeast Regional Office for more information about this application or the Wetlands Protection Act. To contact the Newburyport Conservation Commission, please email igodtfredsen@cityofnewburyport.com.

AFFIDAVIT OF SERVICE
Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection and the
Conservation Commission when filing a Notice of Intent)

I, Matthew A. Steinel, hereby certify under the pains
and penalties of perjury that on _____ I gave notification to abutters in
compliance with the second paragraph of Massachusetts General Laws Chapter 131,
Section 40, and the **DEP Guide to Abutter Notification** dated April 8, 1994, in
connection with the following matter:

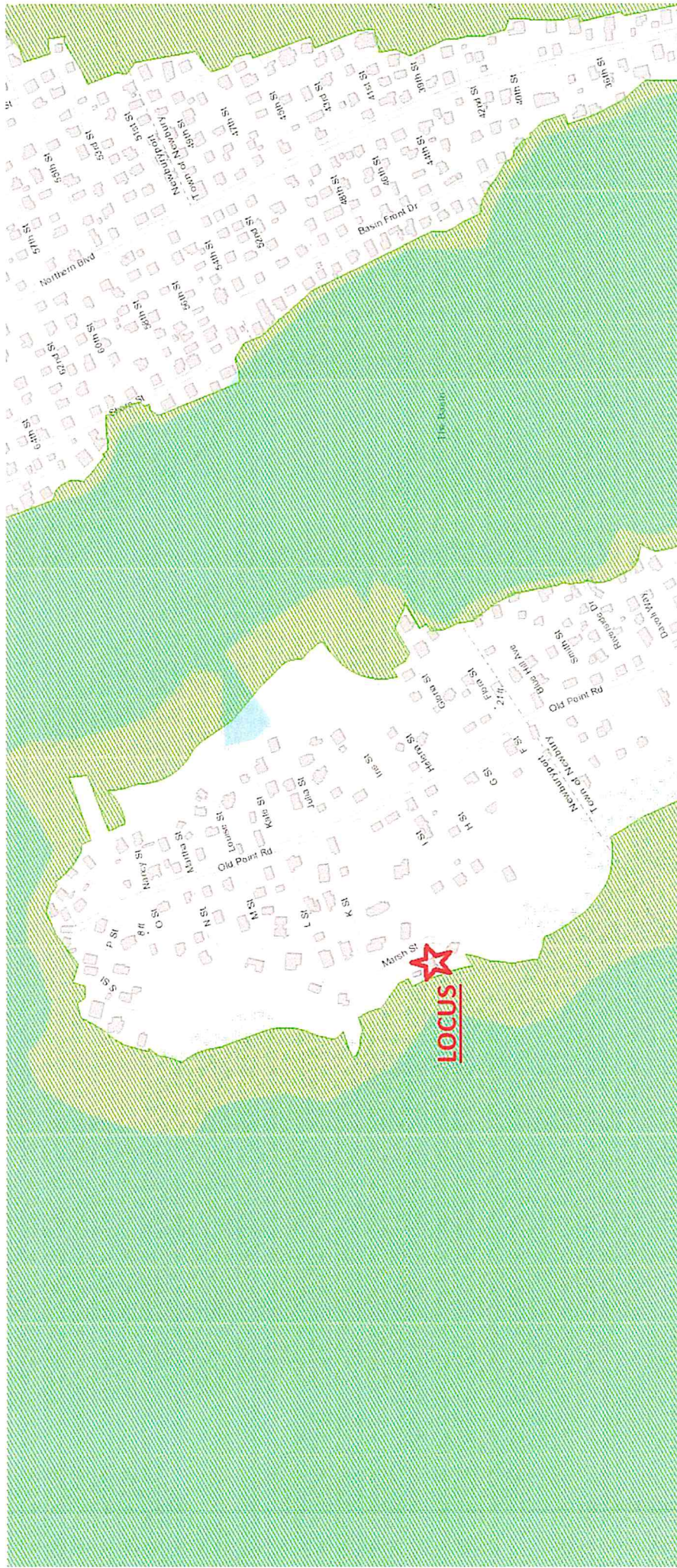
A Notice of Intent filed under the Massachusetts Wetlands Protection Act
and the Newburyport Wetlands Ordinance by John + Beverly Murphy with the
City of Newburyport on 5/11/21 for property located at
3 Marsh Street.

The form of the notification, and a list of the abutters to whom it was given and their
addresses are attached to this Affidavit of Service.

Matthew Steinel
Signature

5/11/21
Date

NHESP Estimated Habitats of Rare Wildlife



National Flood Hazard Layer FIRMette



70°49'34"W 42°48'41"N

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

Legend

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 LOMFRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

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

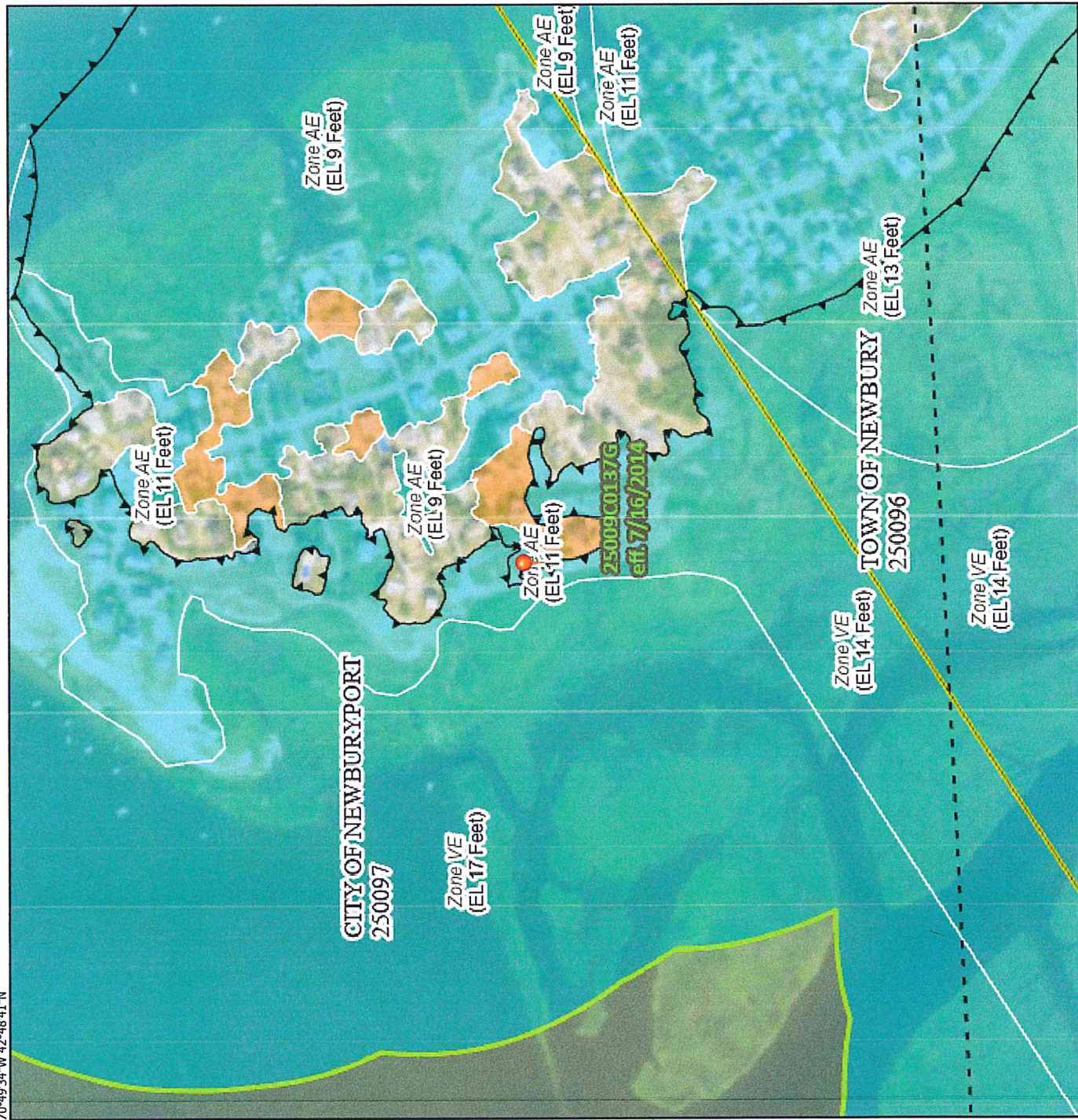
OTHER FEATURES

- 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.



70°48'57"W 42°48'15"N

Feet 0 250 500 1,000 1,500 2,000 1:6,000

Basemap: USGS National Map: OrthoImagery: Data refreshed October, 2020

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 3/12/2021 at 8:23 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.