

# 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)*

### 257-259 Water Street



*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:*

**Winter GEC, LLC**  
44 Merrimac Street  
Newburyport, MA 01950 and

*On behalf of:*

**Arthur and Sandy Manley**  
257 - 259 Water Street  
Newburyport, MA 01950

*Copies to:*

**MassDEP NERO**  
205B Lowell Street  
Wilmington, MA 01887

**July 15, 2022**



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**PROJECT NARRATIVE**  
**to Accompany a**  
**NOTICE OF INTENT**  
**For**  
**Arthur and Sandy Manley**  
**Renovation and Upward Addition to Historic Residence**  
**257 - 259 Water Street**  
**Newburyport**  
**July 15, 2022**

## **Overview**

Arthur and Sandy Manley are seeking approval to renovate and install an upward addition to their property at 257-259 Water Street. The property is currently a two-family home with decks and an attached shed. The project will remove the attached shed and a deck and convert the home to a single family. The property is a historic home and has received approval for the work from the Historic Commission. The historic commission has determined that both pre and post construction the structure will retain its designation and importantly will not take away from the designation in the Joppa Historic District. As such, the structure qualifies for a waiver from the limitations of FEMA through the state building code at 780 CMR 105.3.1.1. This waiver allows the substantial improvement to a structure in the VE zone notwithstanding the construction requirements for other structures in the VE zone. As has been the case in relation to other nearby projects similar in nature, the Commission is preempted from applying their regulations preventing improvements to the Historic Structure in the floodplain.

## **Current site conditions**

The upland portion of the property where the proposed project is located is entirely within the inner riparian Riverfront Area associated with the Merrimack River. The property has a seawall that runs the perimeter of the property along the water side. The seawall consists of a revetment with concrete blocks on top. The seawall extends along a significant portion of the Water Street shoreline. The wall constitutes Coastal Bank. The top of this wall is coastal bank. At the bottom of the revetment is salt marsh and/or tidal flats. The entire property is within the buffer zone to those resource areas. Lastly, the lot is entirely located within the VE15 floodplain as mapped by FEMA.

The upland portion of the property consists of the historic building, with associated decks and shed, the driveway and a lawn.

## **Proposed Project**

The proposed project consists of renovation and an upward addition to the existing structure. The work will actually reduce the building footprint through the removal of a deck and an attached shed. Those areas will be converted to lawn. Overall, the total alteration within resource areas and buffer includes minor work associated with walkways, installation of a stepping stone walkway, removal of the deck and removal of the shed. In sum total this work is about 500 square feet of alteration.

As part of the renovations, critical utilities are being relocated to the second floor, well above the floodplain and any projected sea level rise impacts to the floodplain.

The project generally improves floodplain function by reducing the overall building footprint by 300 square feet made up of 122 square feet of shed and 178 square feet of deck.

## **Wetlands Protection Act**

### **Buffer Zone to Salt Marsh and Bank**

Erosion controls are being installed along the top of the seawall to prevent any sediment from entering the wetland resource.

### **Land Subject to Coastal Storm Flowage**

There are no performance standards for work in Land Subject to Coastal Storm Flowage. The project improves the function of this resource area by removing deck and the shed.

### **Riverfront**

The project complies with the requirements under 310 CMR 10.58(4) as the alterations are within the limits for a single-family home. However, the project fully qualifies for approval under 10.58(5) as degraded riverfront. The deck and sheds are being removed, reducing degraded riverfront and the stepping stone walkway meets the exemption under minor activities.

The applicant evaluated options, such as doing nothing, which would not meet there goal of converting the structure to single family, a demolition and construction of a new structure, which would have similar impacts on the riverfront since there is no room to move away from the river, and the project as proposed. The project as proposed was chosen and both improves the riverfront area through removal of the deck and shed and maintains important historical elements of the home.

### ***Newburyport Wetlands Ordinance & Regulations***

In addition to the Wetlands Protection Act, the project falls under the Newburyport Wetlands Ordinance. We believe that the work proposed, when considered in the context of the removal of the shed and deck will represent an improvement to the values and interests of the wetland ordinance. The performance standards are addressed below:

#### **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:***

***...H. Construction of accessory structures/uses associated with lawfully existing single family houses where the Conservation Commission finds that alternatives outside the buffer***

*area are not available; the size and impacts of the proposed structure/use have been minimized; and the structure/use is located as far from the resource as possible...;*

*...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 proposal represents a small reduction in existing alteration within 25 feet and is allowable under the exceptions under the ordinance. The project qualifies under both subsections of the Ordinance above for relief from the 25 foot no-disturb zone since it is both associated with a single family home and on a lot entirely located within the buffer zone.

#### **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 accessory to existing single family homes. Regulations can not be more stringent than the enabling ordinance.

*(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 given the developed nature of the lot and the surrounding area.

*(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).*

The entire lot has been disturbed prior to the adoption of the regulations and ordinance.

*(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.*

As the project includes not only buffer zone work, 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.

### **8.E. 3. Performance Standards for Land Subject to Coastal Storm Flowage**

*When the Commission determines that Land Subject to Coastal Storm Flowage (A, AO, AH and/or V-Zones) overlays other resource areas listed in these Regulations, the applicable performance standards for each resource area shall be independently as well as collectively applied and the project shall be appropriately conditioned to protect all stated interests. When Land Subject to Coastal Storm Flowage (A, AO, AH and/or V-Zones) is significant to the interests of flood control and storm damage prevention, or any other interest in Section 2 above, the following performance standards shall apply:*

*(a) Any activity shall not have an adverse effect by increasing the elevation or velocity of flood waters or by increasing flows due to a change in drainage or flowage characteristics (e.g. change in direction) on the subject site, adjacent properties, or any public or private way.*

The proposed changes do not significantly alter flow patterns given the location of the proposed upward addition and the existing home. Removal of the shed and deck will improve the ability of flood waters to dissipate.

**(a) *Relative sea level rise and the landward migration of resource areas in response to relative sea level rise shall be incorporated into the design and construction of structures and other activities proposed in Land Subject to Coastal Storm Flowage.***

**(i) *At a minimum, for activities proposed in A and V-Zones, a rate of relative sea level rise in Massachusetts of 40 inches by the year 2070 shall be incorporated into the project design and construction. (40 inches of SLR by 2070 was selected because it is consistent with both the National Oceanic and Atmospheric Administration's (NOAA's) and the BRAG Report's likely SLR scenarios, is the basis for the City of Boston's neighborhood coastal resilience plans and was adopted by the Boston Planning and Development Agency as part of their "Coastal Flood Resilience Design Guidelines" in 2019);***

The proposed design is limited by the presence of an existing historic structure. The Boston resilience plans referenced recognize the competing needs to preserve historic properties. In this case, we are attempting to make the structure more resilient by moving the critical utilities well above projected sea level rise.

**(ii) *Any activity within the ten (10) year floodplain of Land Subject to Coastal Storm Flowage shall not have an adverse effect by impeding the landward migration of other resource areas within this area of the floodplain.***

FEMA flood insurance studies for coastal floodplains do not typically provide 10 year flood elevations. We did go through the existing study and did not find that data available for the location of the project. This is a feature found in inland flood studies. If the Commission can provide us with the elevation of a ten year flood we can attempt to address this standard more directly. It is likely that the 10 year flood is restricted already by the existing revetment and seawall.

**(c) *When the AH-Zone (or an A-Zone which is hydraulically constricted) is significant to the interests of flood control or storm damage prevention, the following additional performance standards shall apply:***

**(i) *A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the Commission, would otherwise be confined within said area, unless,***

**(ii) Compensatory storage is provided for all flood storage volume that will be lost as the result of a proposed project within this area when, in the judgment of the Commission, said loss will cause an increase or contribute incrementally to an increase in the horizontal extent and level of flood waters. Compensatory flood storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100 year flood elevation, which would be displaced by the proposed activity. Compensatory flood storage shall be provided within the same general area as the lost area and must maintain or create an unrestricted hydraulic connection within said area.**

This site is not within those zones.

**(d) When Land Subject to Coastal Storm Flowage is significant to wildlife and their habitat a proposed activity shall not impair the capacity of those portions of Land Subject to Coastal Storm Flowage to provide important wildlife habitat functions. Alterations may be permitted only if they will have no adverse effect on wildlife and their habitat.**

The NHESP mapped habitat runs along the seawall. The work is proposed outside of this area.

**(e) When Land Subject to Coastal Storm Flowage is significant to the prevention of pollution there shall be no adverse effects to the critical characteristic of this area to remove suspended solids and other contaminants from runoff before entering into other wetland resource areas.**

Areas where structures are removed will be stabilized with lawn.

**(f) The following activities proposed within velocity zones (V-Zones) of Land Subject to Coastal Storm Flowage are likely to have an adverse effect on the protected interests and are therefore prohibited (unless the applicant proves with a preponderance of credible evidence that the proposed activity and resultant alteration will not have an adverse effect on said interests):**

**(i) Construction or placement of new structures, including buildings, sheds, garages, additions, and substantial improvements to existing structures supported on a solid foundation or proposed below the base flood elevation plus two (2) feet;**

The proposed project is a renovation to an existing structure. It is modest and designed to protect a historic structure while not having an adverse effect on the floodplain.

**(ii) New parallel/shear walls or vertical walls for existing structures;**

The proposed project is an upward addition to the building above the floodplain. It does not involve any new or shear walls.

- (iii) ***Impermeable paving for new roads, driveways and parking lots;***  
No new impermeable paving is proposed.
- (iv) ***New or proposed expansions of coastal engineering structures;***  
There is an existing structure.
- (v) ***New or expanded septic systems;***  
This does not apply.
- (vi) ***New or expanded stormwater management systems/discharges;***  
The project includes improvements to the City stormwater system.
- (vii) ***New or expanded utilities;***  
This does not apply.
- (viii) ***New underground storage tanks; and***  
This does not apply.
- (ix) ***New activities and uses that change the physical characteristics of the land through draining, excavating, dredging, dumping, filling, removing vegetation, removing or transferring loam, peat, sand, soil or other material substance which will reduce the natural storage capacity of the land, interfere with the landward migration of coastal resources in response to sea level rise, interfere with the natural drainage/tidal patterns of any watercourse, or degrade the water quality of surface or groundwater.***  
The proposed will not impact these items and is making improvements to the existing condition.

- (g) ***A proposed activity within a velocity zone of a beach or coastal bank shall not destroy or otherwise impair the function of any portion of said landform and/or shall not have an adverse effect on adjacent wetland resources. Activities and their ancillary uses in velocity zones which result in alteration to vegetative cover, interruptions in the supply of sediment to other wetland resources, and/or changes to the form or volume of a dune or beach will have an adverse effect on said landform's ability to provide storm damage prevention and flood control and are therefore prohibited.***

The project is not located on a beach and is located behind a coastal bank that is armored. The project will convert significant areas from lawn to more beneficial vegetative cover.

***These activities include, but are not limited to:***

- (i) ***Construction of new structures, including buildings, sheds, garages, additions, and substantial improvements to existing structures;***

The Commission is preempted from applying their regulations preventing improvements to the Historic Structure in the floodplain.

As the Board is aware the structure is an historic structure and as such the historic commission has determined that both pre and post construction the structure will retain its designation and importantly will not take away from the designation in the Joppa Historic District. As such, the structure and qualifies for a waiver from the limitations of FEMA through the state building code at 780 CMR 105.3.1.1. This waiver allows the substantial improvement to a structure in the VE zone notwithstanding the construction requirements for other structures in the VE zone.

Because the legislature granted the State Board of Building Regulators authority to create the state building code, the Commonwealth has pre-empted the localities from passing bylaws, ordinances and/or regulations which would frustrate the provisions of the state building code. Here the building code allows for a waiver of the FEMA flood zone construction requirements on historic properties so long as they reconstructed/improved property does not lose its designation. Here the Historic Commission has already found this to be the case. As a result, the Commission can't now prohibit the Applicant from making improvements to the structure on the basis of complying with the local flood zone requirements – which do not have the same waiver.

***(ii) Foundations other than open pilings or columns;***

The foundation is existing.

***(iii) New or proposed expansions of roads, driveways, parking lots, impermeable paving for existing unpaved roads, driveways or parking lots;***

The drive and parking area are existing.

***(iv) New or proposed expansions of coastal engineering structures;***

This is not proposed.

***(v) New or expanded septic systems;***

This is not proposed.

***(vi) New or expanded stormwater management systems/discharges;***

We are not proposing any new or expanded discharge.

***(vii) New or expanded utilities;***

This is not proposed.

***(viii) New underground storage tanks; and***

This is not proposed.

***(ix) New activities and uses that change the physical characteristics of the land through draining, excavating, dredging, dumping, filling, removing vegetation, removing or transferring loam, peat, sand, soil or other material substance which will reduce the natural storage capacity of the land, interfere with the landward migration of coastal resources in response to sea level rise, interfere with the natural drainage/tidal***

*patterns of any watercourse, or degrade the water quality of surface or groundwater.*

The proposed work will not alter the natural storage capacity of the land or interfere with the migration of coastal resources.

**(h)** *The following activities proposed within the AO-zone of a beach or coastal bank of Land Subject to Coastal Storm Flowage are likely to have an adverse effect on the protected interests and are therefore prohibited (unless the applicant proves with a preponderance of credible evidence that the proposed activity and resultant alteration will not have an adverse effect on said interests):*

The project is not located within the A0 zone.

- (i)** *Construction of new structures, including buildings, sheds, garages, additions, and substantial improvements to existing structures supported on a solid foundation or proposed below the base flood elevation plus one (1) foot or three (3) feet above the highest adjacent ground elevation (whichever is higher);*
- (ii)** *New parallel walls/shear walls, vertical walls or breakaway walls, foundation piers, grade beams, or foundation/structural slabs for existing structures;*
- (iii)** *New or proposed expansions of roads, driveways, parking lots, or impermeable paving for existing unpaved roads, driveways or parking lots;*
- (iv)** *New or proposed expansions of coastal engineering structures;*
- (v)** *New or expanded septic systems;*
- (vi)** *New or expanded stormwater management systems/discharges;*
- (vii)** *New or expanded utilities;*
- (viii)** *New underground storage tanks; and*
- (ix)** *New activities and uses that change the physical characteristics of the land through draining, excavating, dredging, dumping, filling, removing vegetation, removing or transferring loam, peat, sand, soil or other material substance which will reduce the natural storage capacity of the land, interfere with the landward migration of coastal resources in response to sea level rise, interfere with the natural drainage/tidal patterns of any watercourse, or degrade the water quality of surface or groundwater.*

**(i)** *Notwithstanding the provisions of (a) – (h) above, the Commission may permit the following activities provided that the applicant demonstrates, to the satisfaction of the Commission, that best available measures are utilized to minimize adverse effects on all critical characteristics of Land Subject to*

*Coastal Storm Flowage, and provided that all other performance standards for underlying resource areas are met:*

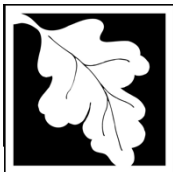
- (i) Beach and bank nourishment and restoration projects, including fencing, native plantings and other devices designed to increase stabilization and decrease erosion;*
- (ii) Pedestrian walkways for public shoreline access and non-motorized use;*
- (iii) Elevated decks or walkways with appropriate height and spacing between planks to allow sufficient sunlight and precipitation penetration;*  
The proposed project includes a deck elevated above grade.
- (iv) Boat launching facilities, navigational aids, piers, docks, wharves, dolphins, float stops;*
- (v) Improvements necessary to maintain or improve the structural integrity/stability of existing coastal engineering structures;*
- (vi) A project which will restore, rehabilitate or create a salt marsh or freshwater wetland;*
- (vii) Projects that are approved, in writing, or conducted by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish, including aquaculture, or to maintain or enhance marine fisheries; and*
- (viii) Projects that are approved, in writing, or conducted by the Division of Fisheries and Wildlife that are specifically intended to enhance or increase wildlife habitat.*
- (ix) Projects designed to protect critical public infrastructure from storm surge and sea level rise.*

***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 this unique 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

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>257-259 Water Street</u> a. Street Address	<u>Newburyport</u> b. City/Town	<u>MA</u> c. Zip Code
<u>Latitude and Longitude:</u>	<u>42.804554</u> d. Latitude	<u>-70.854713</u> e. Longitude
<u>30</u> f. Assessors Map/Plat Number	<u>5</u> g. Parcel /Lot Number	

2. Applicant:

<u>Arthur and Sandy</u> a. First Name	<u>Manley</u> b. Last Name	
<u>c. Organization</u>		
<u>257-259 Water Street</u> d. Street Address		
<u>Newburyport</u> e. City/Town	<u>MA</u> f. State	<u>01950</u> g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email Address</u>

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

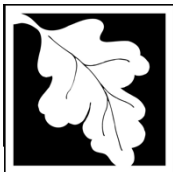
<u>a. First Name</u>	<u>b. Last Name</u>	
<u>c. Organization</u>		
<u>d. Street Address</u>		
<u>e. City/Town</u>	<u>f. State</u>	<u>g. Zip Code</u>
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

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

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

<u>750.00</u> a. Total Fee Paid	<u>362.50</u> b. State Fee Paid	<u>387.50</u> c. City/Town Fee Paid
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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

## A. General Information (continued)

6. General Project Description:

Home renovations, including conversion of two family to single family, with removal of deck and attached sheds in the buffer zone to bank and riverfront

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	b. Certificate # (if registered land)
40361	449
c. Book	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.



**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

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City/Town

**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	Merrimack River	
	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

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: 7225  
square feet

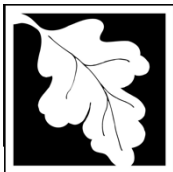
4. Proposed alteration of the Riverfront Area:

500+/- a. total square feet      500+/- 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.



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

**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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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

	Size of Proposed Alteration	Proposed Replacement (if any)
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	500	
	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



**Massachusetts Department of Environmental Protection**  
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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](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, 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 \_\_\_\_\_ 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/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.



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

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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](mailto: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](mailto: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).



**Massachusetts Department of Environmental Protection**  
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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**

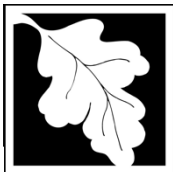
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



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:
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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.

Notice of Intent Plan - 257 Water Street, 2 sheets

a. Plan Title

Winter GEC, LLC

Everett Chandler, PLS

b. Prepared By

c. Signed and Stamped by

July 12, 2022

1" = 10'

d. Final Revision Date

e. Scale

Architect Elevation Views

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:

4695

2. Municipal Check Number

7/14/2022

3. Check date

4696

4. State Check Number

7/14/2022

5. Check date

Arthur G.

6. Payor name on check: First Name

Manley

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.

*Arthur Maraby*

7-14-2022

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

*[Signature]*

7-14-2022

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:**

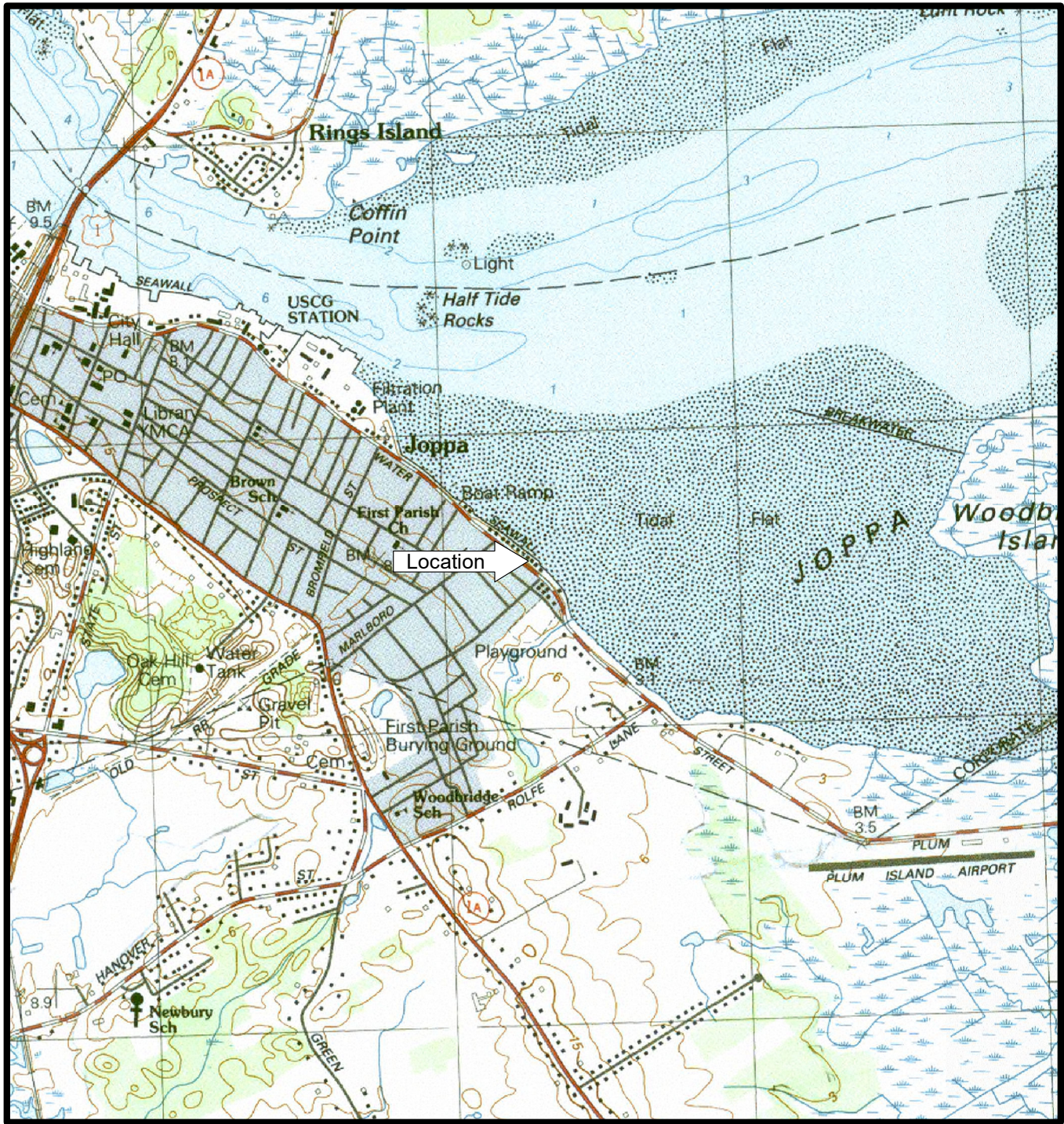
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.

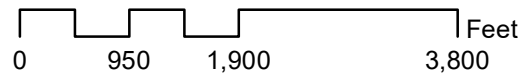




# 257 - 259 Water Street, Newburyport MA USGS Location Map



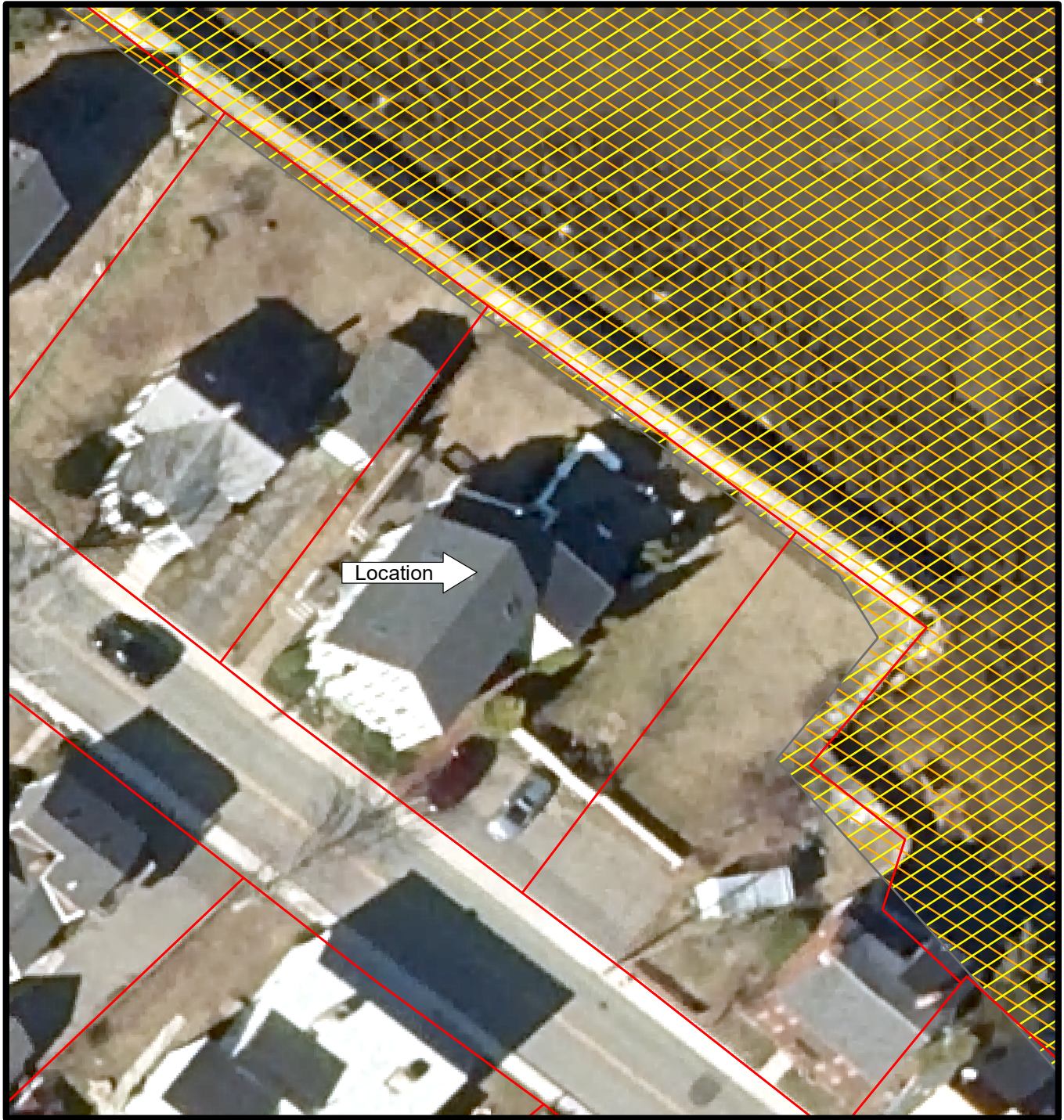
Prepared by Hughes Environmental Consulting, Data Source MassGIS









# 257 - 259 Water Street, Newburyport MA NHESP over 2021 Orthophoto

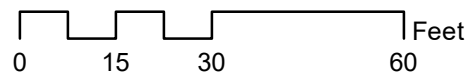


## Legend

-  NHESP Priority Habitat
-  NHESP Estimated Habitat



Prepared by Hughes Environmental Consulting, Data Source MassGIS



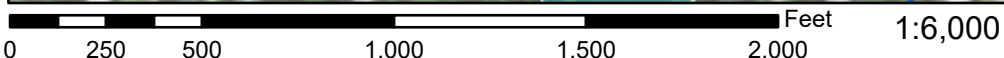




# National Flood Hazard Layer FIRMMette



70°51'36"W 42°48'30"N



Basemap: USGS National Map: Orthoimagery: 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
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 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 7/15/2022 at 11:06 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.







# 257 - 259 Water Street View from the South





# 257 - 259 Water Street View from the North



© All Pictometry







**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

**July 13, 2022**

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**To: Newburyport Conservation Commission**

**From: Newburyport Board of Assessors**

**Re: Abutters List: 257-259 WATER STREET**

**Newburyport Map: 30 Lot: 5**

---

**The following are the abutters of the above-mentioned property:**

**Board of Assessors**

A handwritten signature in cursive script that reads "Jill 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.*

30/ 3/ / /  
COSTELLO MICHAEL A  
KERRIN M T/E  
249-251 WATER ST  
NEWBURYPORT, MA 01950

30/ 4/ / /  
HANSEN JAMIE  
KATHRYN T/E  
255 WATER ST  
NEWBURYPORT, MA 01950

30/ 5/ / /  
MANLEY ARTHUR G III  
SANDRA L T/E  
67 HIGH ST  
NEWBURYPORT, MA 01950

30/ 7/ / /  
JOPPA HOLDINGS LLC  
C/O WALTER LONG  
PO BOX 820  
NEWBURYPORT, MA 01950

30/ 8/ / /  
JOPPA HOLDINGS LLC  
C/O WALTER LONG  
PO BOX 820  
NEWBURYPORT, MA 01950

30/ 52/ / /  
CULLEN CIARAN  
JANE T/E  
13 UNION ST  
NEWBURYPORT, MA 01950

30/ 55/ / /  
STRAZZERO PAUL P TRS  
LAURIA STRAZZERO TRS  
21 UNION ST  
NEWBURYPORT, MA 01950

30/ 69/ / /  
MADDEN T.J.-R.K.-W.S. J/T  
C/O JOSEPH MADDEN  
10 PARK ST  
METHUEN, MA 01844

30/ 70/ / /  
MADDEN T.J.-R.K.-W.S. J/T  
C/O JOSEPH MADDEN  
10 PARK ST  
METHUEN, MA 01844

30/ 72/ / /  
BERARDI JUNE TRUSTEE  
244 WATER ST TRUST  
244 WATER ST  
NEWBURYPORT, MA 01950

30/ 73/ / /  
COUSINS FRANK G JR  
242 WATER ST  
NEWBURYPORT, MA 01950



# City of Newburyport

7/13/2022

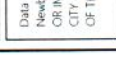


1:720

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

Projection: NAD\_1983\_StatePlane\_Massachusetts\_Meridian\_FIPS\_2001



# HUGHES ENVIRONMENTAL CONSULTING

44 MERRIMAC STREET, NEWBURYPORT, MA 01950  
PHONE 978.465.5400 • FAX 978.465.8100  
EMAIL THUGHES@HUGHESENVR.COM

PO BOX 392, CONCORD, MA 01742  
PHONE/FAX 978.369.2100

## 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 **Arthur and Sandy Manley**
- 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. The project involves renovations to the existing building and associated site work within buffer zone to bank, land subject to coastal storm flowage and within the riverfront area associated with the Merrimack River.
- C. The address of the lot where the activity is proposed is: **257 -259 Water Street**
- D. The Public Hearing will be held on **August 2, 2022** 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](http://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](http://www.cityofnewburyport.com/conservation-commission) and selecting the meeting agenda.
- F. Copies of the Notice of Intent may be obtained from applicant's representative Hughes Environmental Consulting, by calling 978-465-5400 between the hours of 9 and 4:30, 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 [jgodtfredsen@cityofnewburyport.com](mailto:jgodtfredsen@cityofnewburyport.com).

Please do not hesitate to contact me with any questions regarding this hearing or the application,

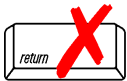
Thomas G. Hughes, BS, MA





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

**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:

257-259 Water Street

a. Street Address

4696

c. Check number

Newburyport

b. City/Town

362.50

d. Fee amount

2. Applicant Mailing Address:

Arthur and Sandy

a. First Name

Manley

b. Last Name

c. Organization

257-259 Water Street

d. Mailing Address

Newburyport

e. City/Town

MA

f. State

01950

g. Zip Code

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).



**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
Category 2 Single Family Home	1	500.00	500.00
Riverfront add on	50%	250.00	250.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			750.00

**Step 6/Fee Payments:**

Total Project Fee:	750.00
State share of filing Fee:	a. Total Fee from Step 5 362.50
City/Town share of filing Fee:	b. 1/2 Total Fee <b>less</b> \$12.50 387.50 c. 1/2 Total Fee <b>plus</b> \$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.)

WINDOW SCHEDULE:

TAG	OPERATION	MANUFACTURER	QTY*	ROUGH OPENING	NOTES
W-A	DOUBLE-HUNG	WDH2042	-	2'-2 1/8" X 4'-4 7/8"	
W-B	DOUBLE-HUNG	WDH2442	20	2'-6 1/8" X 4'-4 7/8"	2 TEMPERED
W-C	CASEMENT	CW13	1	2'-4 7/8" X 3'-0 1/2"	
W-D	CASEMENT	CW145	9	2'-4 7/8" X 4'-5 1/8"	
W-E	CASEMENT	CX15	3	2'-8" X 5'-0 3/8"	
W-F	CASEMENT	CXW15	3	3'-0 1/2" X 5'-0 3/8"	ALL 3 TEMPERED
W-G	AWNING	A281	3	2'-0 5/8" X 2'-8"	
W-H	AWNING	AX251	3	2'-4 7/8" X 2'-8"	1 TEMPERED
W-I	AWNING	A451	3	4'-5 3/8" X 2'-0 5/8"	ALL 3 TEMPERED
W-J	PICTURE	P4550	3	4'-5 3/8" X 4'-11 7/8"	ALL 3 TEMPERED
D-K	DOOR	FWH90611SASL	1	9'-0" X 6'-11"	FACTORY-MULLED UNIT
D-L	DOOR	STRAIGHTLINE 180	1	2'-8 1/8" X 6'-8 1/8"	

\* CONTRACTOR TO VERIFY WINDOW TYPE AND QUANTITY PRIOR TO ORDERING

\* R.O.'S ARE 'ANDERSEN WINDOW' MIN. R.O.'S AND ARE CONSIDERED TIGHT BY SOME STANDARDS, AN ADDITIONAL 1/2" MAY BE REQUIRED TO BE ADDED IN THE FIELD TO THESE DIMENSIONS.

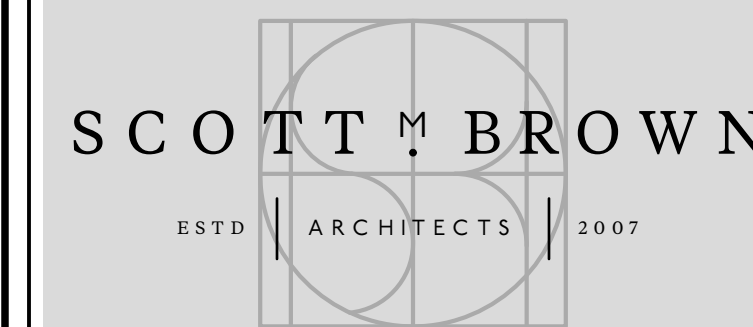
\* QUANTITIES ARE PER UNIT (ONE SIDE ONLY).



2 RIGHT SIDE (EAST) ELEVATION  
Scale: 1/4" = 1'-0"



1 SOUTH (FRONT) ELEVATION  
Scale: 1/4" = 1'-0"



48 MARKET STREET  
NEWBURYPORT, MA 01950  
T. 978.465.3535  
WWW.SCOTTBROWNARCHITECT.COM

ADDITIONS/ALTERATIONS  
TO THE:  
**MANLEY RESIDENCE**  
257 WATER STREET, NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES

No.	Date	Notes
A	5/17/22	WINDOW SCHEDULE

Project #	Project Manager	Date
2021-46	X.X.	5-24-22

Scale: AS NOTED

**PROPOSED  
ELEVATIONS**

**A2.1**

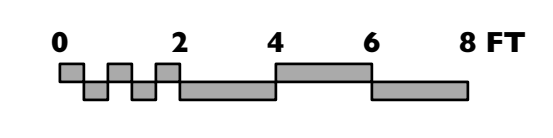
ADDITIONS/ALTERATIONS  
TO THE:  
**MANLEY RESIDENCE**  
257 WATER STREET, NEWBURYPORT, MA 01950



2 LEFT SIDE (WEST) ELEVATION  
Scale: 1/4" = 1'-0"



1 NORTH (REAR) ELEVATION  
Scale: 1/4" = 1'-0"



REVISION & REISSUE NOTES

No.	Date	Notes
A	5/17/22	WINDOW SCHEDULE

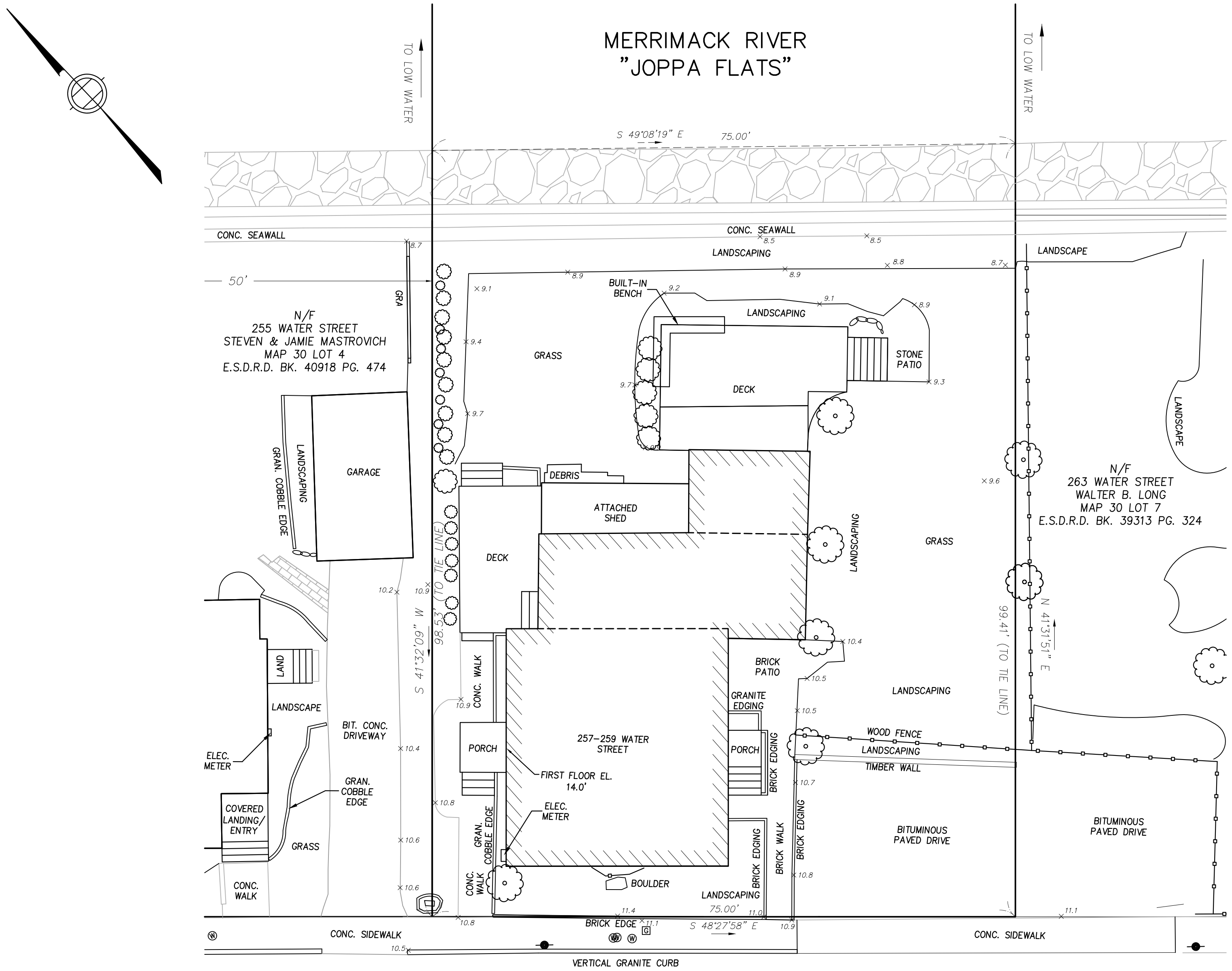
Project #	Project Manager	Date
2021-46	X.X.	5-24-22

Scale: AS NOTED

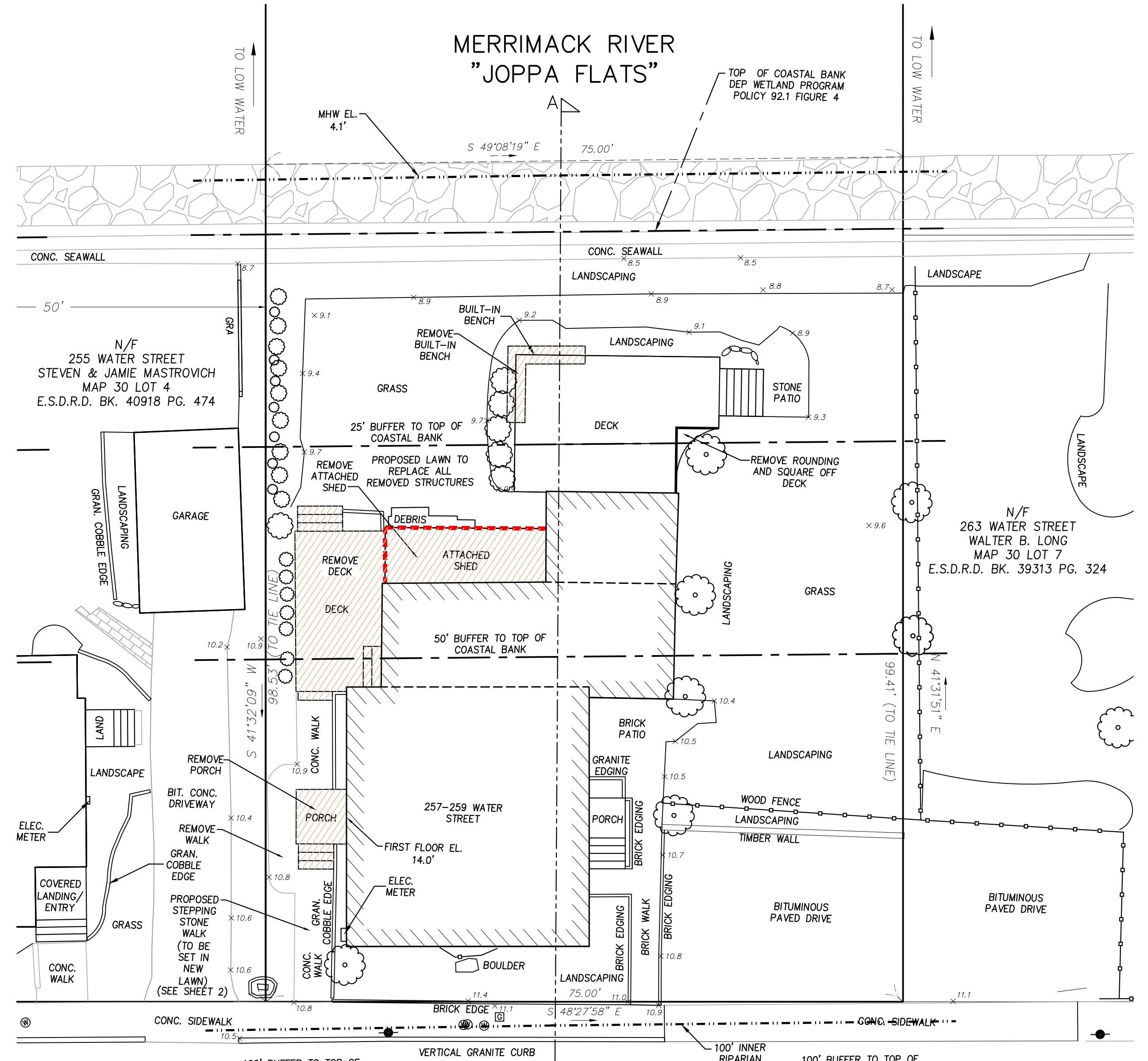
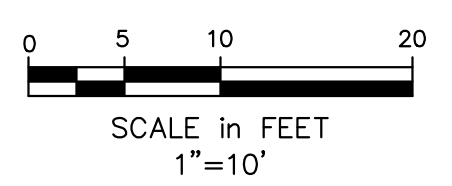
PROPOSED  
ELEVATIONS

A2.2

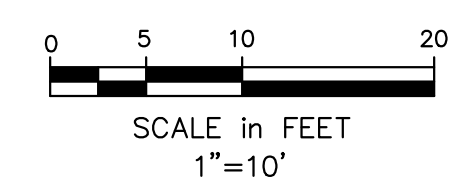




WATER STREET  
EXISTING CONDITIONS



WATER STREET A  
PROPOSED SITE PLAN OVERLAY



	EXISTING			PROPOSED		
	0-25	25-50	50-100	0-25	25-50	50-100
Building	0	467	1006	0	467	1006
Deck/Stair	273	281	126	268	108	126
Bench	17	0	0	0	0	0
Stone Patio	54	0	0	54	0	0
Attached Shed	122	0	0	0	0	0
Brick/Granite Edging	0	2	66	0	0	56
Walkway	0	0	374	0	10	253
Paved Driveway	0	0	558	0	0	558
Debris	0	18	0	0	0	0
Seawall/Rip Rap	860	0	0	860	0	0
<b>Total Altered Area</b>	<b>1326</b>	<b>768</b>	<b>2130</b>	<b>1182</b>	<b>585</b>	<b>1999</b>

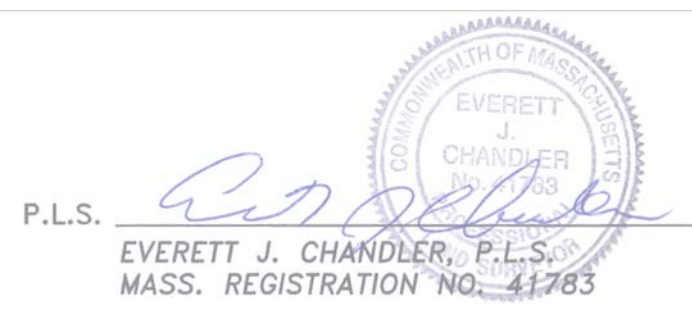
	EXISTING		PROPOSED	
	100' Inner Riparian	100' Inner Riparian	100' Inner Riparian	100' Inner Riparian
Building	1473	1473	1473	1473
Deck/Stair	680	502	502	502
Bench	17	0	0	0
Stone Patio	54	54	54	54
Attached Shed	122	0	0	0
Brick/Granite Edging	68	56	56	56
Walkway	374	263	263	263
Paved Driveway	558	558	558	558
Debris	18	0	0	0
Seawall/Rip Rap	860	860	860	860
<b>Total Altered Area</b>	<b>4224</b>	<b>3766</b>	<b>3766</b>	<b>3766</b>

**LOCUS TITLE INFORMATION**

257-259 WATER STREET  
OWNER: ARTHUR G. MANLEY III  
DEED REFERENCE: BOOK 40361 PAGE 449  
ASSESSORS: MAP 30 PARCEL 5

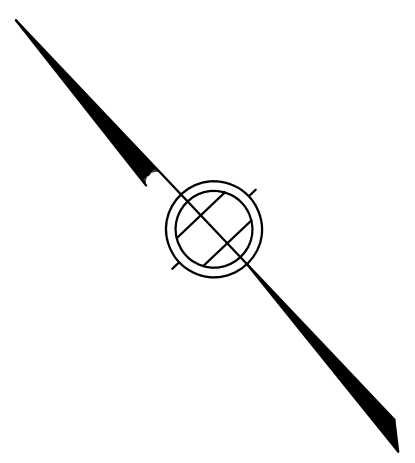
**NOTES**

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AS OF THE DATE OF THIS SURVEY. INFORMATION IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON JANUARY 6, 2022.  
OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.  
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE VE(15), A SPECIAL FLOOD HAZARD AREA, OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 2500900136G, WHICH BEARS AN EFFECTIVE DATE OF 7/16/2014.  
ELEVATIONS ARE BASED ON NAVD88 AS DETERMINED BY RTK GPS.  
DESIGN INFORMATION IS AS PROVIDED BY THE PROJECT ARCHITECT.  
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



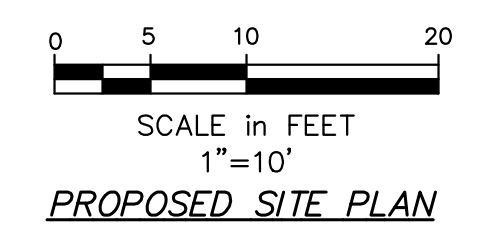
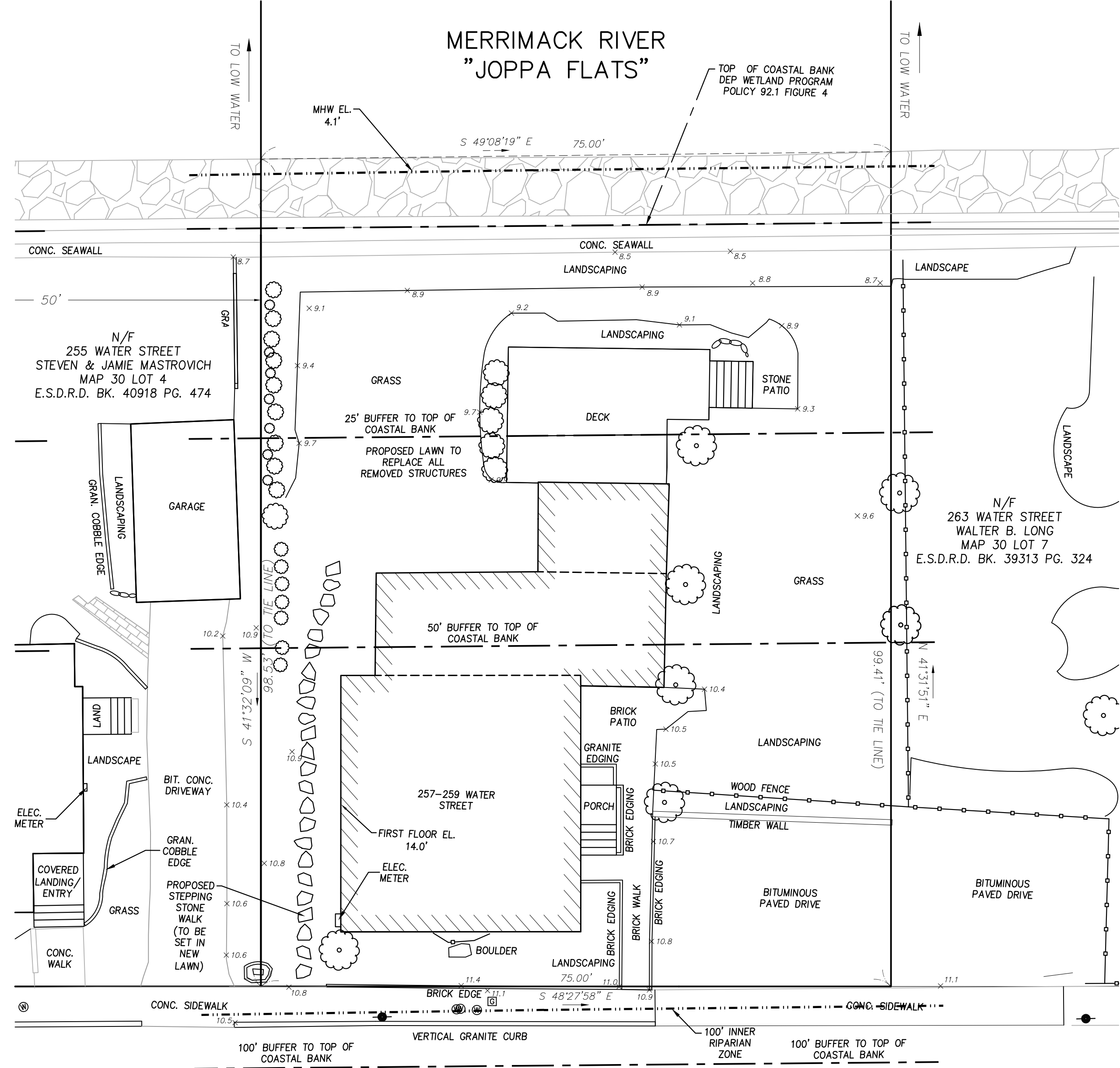
NO.	DATE	BY	REVISIONS





	EXISTING			PROPOSED		
	0-25	25-50	50-100	0-25	25-50	50-100
Building	0	467	1006	0	467	1006
Deck/Stair	273	281	126	268	108	126
Bench	17	0	0	0	0	0
Stone Patio	54	0	0	54	0	0
Attached Shed	122	0	0	0	0	0
Brick/Granite Edging	0	2	66	0	0	56
Walkway	0	0	374	0	10	253
Paved Driveway	0	0	558	0	0	558
Debris	0	18	0	0	0	0
Seawall/Rip Rap	860	0	0	860	0	0
<b>Total Altered Area</b>	<b>1326</b>	<b>768</b>	<b>2130</b>	<b>1182</b>	<b>585</b>	<b>1999</b>

	EXISTING		PROPOSED	
	100' Inner Riparian		100' Inner Riparian	
Building	1473		1473	
Deck/Stair	680		502	
Bench	17		0	
Stone Patio	54		54	
Attached Shed	122		0	
Brick/Granite Edging	68		56	
Walkway	374		263	
Paved Driveway	558		558	
Debris	18		0	
Seawall/Rip Rap	860		860	
<b>Total Altered Area</b>	<b>4224</b>		<b>3766</b>	



**NOTES**

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AS OF THE DATE OF THIS SURVEY. INFORMATION IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON JANUARY 6, 2022.

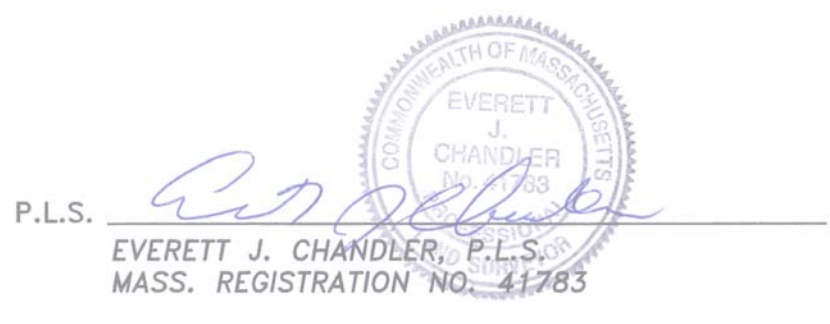
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ELEVATIONS ARE BASED ON NAVD88 AS DETERMINED BY RTK GPS.

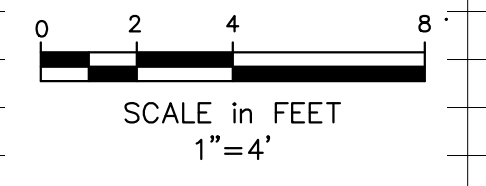
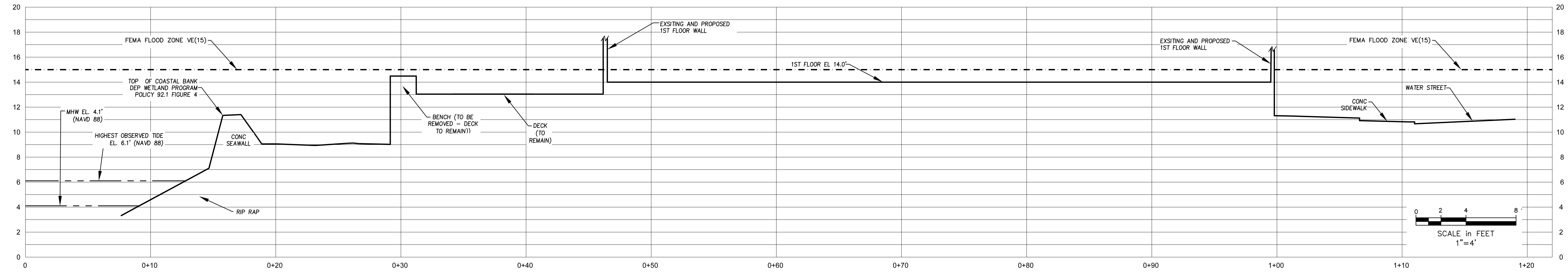
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**LOCUS TITLE INFORMATION**

257-259 WATER STREET  
 OWNER: ARTHUR G. MANLEY III  
 DEED REFERENCE: BOOK 40361 PAGE 449  
 ASSESSORS: MAP 30 PARCEL 5



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Winter GEC, LLC  
 44 MERRIMACK STREET  
 NEWBURYPORT, MA 01950  
 978-270-8626

SCALE:  
 HORIZ: AS NOTED  
 VERT: N.A.

NO.	DATE	BY	REVISIONS

FIELD: CO  
 CALCS: EC  
 CHECKED: EJC  
 APPROVED: EJC

NOTICE OF INTENT PLAN  
 257 WATER STREET

PLAN OF LAND  
 IN  
 NEWBURYPORT, MASSACHUSETTS  
 SURVEYED FOR  
 ARTHUR & SANDY MANLEY

PROJECT NO.  
 2022-257WATER  
 DATE: JUL 12, 2022  
 SHEET NO.  
 2 OF 2