

# 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)*

### 3 57<sup>th</sup> 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

*On behalf of:*

**George Haseltine**  
**Windward Shaw, LLC**  
1 Shandel Drive  
Newburyport, MA 01950

*Copies to:*

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

**June 18, 2021**



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## **Application Contents:**

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- 10. Notice of Intent Plan 3 – 57<sup>th</sup> Street, dated June 15, 2021 prepared by Winter GEC, LLC**



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## **PROJECT NARRATIVE**

**to accompany a**

## **NOTICE OF INTENT**

**For**

**George Haseltine**

**Windward Shaw, LLC**

**Newburyport**

**June 17, 2021**

## **Overview**

George Haseltine is seeking to demolish and rebuild a single family home on the developed lot at 3 57<sup>th</sup> Street, located on Plum Island. The new home will be constructed on pilings and elevated above the floodplain. The project increases vegetative coverage on the lot and will restore function to the dune system.

## **Current Site Conditions**

The project site is a 4,900 square foot parcel of land, located on 57<sup>th</sup> Street in a densely developed section of Plum Island. The site is currently developed with a single family home with solid sides down to the ground, a shed, a driveway and parking area, on ground walkways, landscaping, a patio and landscaping. The property is located within the AE9 and A0 zones. The A0 zone has a flooding depth of 2 feet. The current structure is located within both flood zones.

The site is relatively flat, with elevations on the lot ranging from 8.8 (88 NAVD) to 9.4..

## **Resource areas**

The entire site is located on a coastal dune within a barrier beach, and is located within land subject to coastal storm flowage.

## **Project Proposal**

The proposal is to remove the existing single-family home, backfilling any void from the existing home and foundation with clean compatible sand. The new home will be constructed with pilings, shifted over slightly to remove the structure from the A0 zone. The new home will have a smaller footprint than the existing, as it will be two stories. Disturbed areas of vegetation will be replanted and mitigative plantings will be installed as shown on the attached landscape plan. The home will have at least 2.5 feet clear to grade, with utilities installed via a 3.5 by 3.5 foot utility chase.

The project will increase vegetative cover by 932 square feet. The existing flagstone patio will be removed and a new clamshell patio installed. See the project plan impact table for detail.

## **Construction Sequence**

The following represents an outline of the construction sequence that will be followed:

1. Demolish existing structure and remove all debris and sheds from site, backfill with clean sand
2. Install pile foundation
3. Frame and construct building. All building materials and dumpsters to be within existing driveway
4. Install native plants and repair any damage to site.

## **Wetland Protection Act**

The project site is located at Plum Island, a barrier beach, within a densely developed portion of the dune system and within Land Subject to Coastal Storm Flowage. Since the project is located on a barrier beach, landward of a coastal beach, it must meet the performance standards of the Wetland Protection Act as defined by the Wetland Protection Act Regulations, 310 CMR 10.28 and 10.29. There are no performance standards for Land Subject to Coastal Storm Flowage, however the project removes an obstruction to flood waters in the form of the existing building and sheds.

The project, including the mitigation areas, will not only have no adverse impact on the interests of the Wetlands Protection Act, but will result in improvements to those interests. In fact the replacement of a home that currently sits within the plane of the flood with solid walls with an elevated, open pile structure will the ability of the site to function. The increase in vegetation on site will also increase the ability of the dune to function. The project as proposed will not adversely impact any of the interests as spelled out in 310 CMR 10.28 or 10.29.

The regulations are intended to preserve the following characteristics of barrier beaches and dune systems:

- (a) the ability of the dune to erode in response to coastal beach conditions;
- (b) dune volume;
- (c) dune form, which must be allowed to be changed by wind and natural water flow;
- (d) vegetative cover;
- (e) the ability of the dune to move landward or laterally; or
- (f) the ability of the dune to continue serving as bird nesting habitat.

## **310 CMR 10.28 - Coastal Dunes**

The performance standards for Coastal Dunes are provided in 310 CMR 10.28, sections (3) through (6). These standards are addressed below:

***(3) Any alteration of, or structure on, a coastal dune or within 100 feet of a coastal dune shall not have an adverse effect on the coastal dune by:***

***(a) affecting the ability of waves to remove sand from the dune;***

The home will be elevated above the flood plain and will improve the ability of the dune to function by replacing a solid wall structure with a pile supported foundation.

***(b) disturbing the vegetative cover so as to destabilize the dune;***

The project will mitigate for all impacts to vegetation and will increase coverage on the lot..

***(c) causing any modification of the dune form that would increase the potential for storm or flood damage;***

The project will not change dune form.

***(d) interfering with the landward or lateral movement of the dune;***

The proposed project will result in a building supported by pilings that will not interfere with the movement of the dune.

***(e) causing removal of sand from the dune artificially; or***

There will be no removal of sand from the dune.

*(f) interfering with mapped or otherwise identified bird nesting habitat.*

The site is located outside the Estimated Habitat Map of State-Listed Rare Wildlife published by the Natural Heritage and Endangered Species Program and within a fairly densely developed neighborhood.

*(4) Notwithstanding the provisions of 310 CMR 10.28(3), when a building already exists upon a coastal dune, a project accessory to the existing building may be permitted, provided that such work, using the best commercially available measures, minimizes the adverse effect on the coastal dune caused by the impacts listed in 310 CMR 10.28 (3)(b) through 10.28(3)(e). Such an accessory project may include, but is not limited to, a small shed or a small parking area for residences. It shall not include coastal engineering structures.*

No accessory structures are proposed.

*(5): The following projects may be permitted, provided that they adhere to the provisions of 310 CMR 10.28(3):*

*(a) pedestrian walkways, designed to minimize the disturbance to the vegetative cover and traditional bird nesting habitat;*

*(b) fencing and other devices designed to increase dune development; and*

*(c) plantings compatible with the natural vegetative cover.*

The applicant is proposing mitigative plantings for vegetation.

*(6) Notwithstanding the provisions of 310 CMR 10.28(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The site is located outside the Estimated Habitat Map of State-Listed Rare Wildlife published by the Natural Heritage and Endangered Species Program.

### **Barrier Beach**

310 CMR 10.29 (3) states that “when a Barrier Beach is Determined to be Significant to Storm Damage Prevention, Flood Control, Marine Fisheries or Protection of Wildlife Habitat, 310 CMR 10.28(3) through 10.28(5) apply.” These sections are addressed above.

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

There are no performance standards for Land Subject to Coastal Storm Flowage, however the building has been designed to stay outside the floodplain. The home will be constructed on open pilings.

### **Newburyport Wetlands Ordinance**

Since the project is located on Plum Island, the project falls under the Newburyport Wetlands Ordinance. The performance standards are addressed below:

## **6.5-28. Special Provisions for the Barrier Beach**



A. *The Plum Island Barrier Beach received additional protection under the previous Newburyport Wetlands Ordinance (adopted October 9, 2001 and revised September 12, 2005) and therefore its provisions are included in this Ordinance. The additional protections afforded to the Plum Island Barrier Beach are for the following purposes:*

1. *To minimize environmental damage, loss of life, and destruction of property inevitably resulting from storms, flooding and erosion;*
2. *To prevent loss or diminution of the beneficial functions of storm and flood damage prevention or reduction and pollution prevention provided by wetlands, beaches, dunes, barrier beaches, and coastal banks;*
3. *To maintain vegetative buffers to wetlands and waterbodies so as to reduce and/or eliminate runoff and other non-point discharges of pollutants to protect public health and preserve environmental resources; and*
4. *To maintain vegetative cover so that the integrity and stability of coastal dunes and banks are maintained and so that the coastal dunes and banks can fulfill their functions and promote the interests identified in the Ordinance.*

*Notwithstanding any additional requirements or exemptions, all activities on the Plum Island Barrier Beach shall be in accordance with 6.5-28, subsection B.*

B. *Specific performance standards for the Barrier Beach are:*

1. *No development or redevelopment shall be permitted within a FEMA V-Zone or AO-Zone. Notwithstanding the foregoing, structures damaged or destroyed from fire, storm, or similar disaster may be redeveloped/repared only in accordance with current local, state and federal regulatory standards when damage to or loss of the structure is equal to or greater than 50% of the market value of the building. When damage to or loss of the structure is less than 50% of the market value of the building, redevelopment/repairs may be allowed to return the structure to pre-damaged conditions. In all instances, reconstruction, renovation or repairs to damaged structures may be authorized as stated herein, provided that there is no increase in floor area.*

*This new structure adjusts the footprint to remove the building from the A0 zone.*

2. *All new buildings or substantial improvements to existing buildings shall be built on open pilings and comply with FEMA National Flood Insurance Regulations and State Building Code Regulations for elevation and flood proofing. All development and redevelopment shall comply with G.L. c. 131, sec. 40, 310 CMR 10.00 and Section 744 of the Massachusetts State Building Code Design Requirements for Floodplain and Coastal High Hazard Areas.*

*The proposal will comply with the building code and this section of the Ordinance.*

3. *For the purposes of the Ordinance, the term “substantial improvement” shall mean an improvement that increases the market value of the building by an amount equal to or greater than 50% or an improvement that increases the square footage by an amount equal to or greater than 25%.*

The new building will be constructed on piles..

4. ***All new buildings, replacements, substantial improvements or expanded footprints less than 25% in square footage shall have their first floor built at least two feet above base flood elevation or the highest existing ground elevation whichever is higher.***

The new home will meet this standard.

5. ***Electrical, heating, ventilation, plumbing and air conditioning and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.***

The structure will comply with this section.

6. ***Development or redevelopment on or within 200 feet landward of the top of a coastal bank or dune shall have no adverse impact on the height, stability or function of the bank or dune to fulfill the purposes set forth in Section 6.5-28.A. above.***

The project as proposed will not impact the height, stability or function of this back dune area.

7. ***In areas where there are coastal banks or primary or frontal dunes, all new buildings and structures shall be set back from the beach dune interface at a distance equal to thirty times the average yearly historical erosion as shown by the most current CZM shoreline change map.***

The project is located outside the frontal dune and significantly far from the beach dune interface.

8. ***No activity shall increase the elevation or velocity of flows in a floodplain.***

The project will improve the functioning of the floodplain by elevating the structure above the floodplain.

9. ***Within the FEMA V Zone, A Zone, or AO Zone or their equivalent, new or reconstructed structures or development on the barrier beach that alters vegetation, interrupts sediment supply and/or changes the form or volume of a dune or beach must comply with the specific performance standards in the Ordinance and in the regulations promulgated pursuant hereto.***

The project will increase native vegetation and not result in any change in dune form or interruption of sediment supply.

10. ***In all other areas of the Plum Island Barrier Beach outside of the V-Zone and AO-Zone, all new Buildings shall be built on open pilings and shall comply with FEMA National Flood Insurance Regulations and State Building Code Regulations for elevation and flood proofing. All existing Buildings with Substantial Improvements, and all horizontal expansions of the existing footprint, shall be built on open pilings and shall comply with FEMA National Flood Insurance Regulations and State Building Code Regulations for elevation and flood proofing.***

*If a Licensed Engineer certifies that an existing portion of the solid foundation will not require modifications to support the proposed building (other than new pilings exterior to the existing footprint), the existing portion of the solid foundation may remain.*

The structure will comply with these standards.

*11. Notwithstanding the previous sentence, the existing solid foundation of a Building shall be replaced with pilings, if, 50% or more of the exterior walls have been removed, are proposed to be removed, or will not be used as exterior walls (i.e. including but not limited to encasing an existing wall within a new exterior wall) and a new roof will be constructed, or is proposed to be constructed.*

The proposal is for an entirely new structure.

*12. Construction or alteration of any coastal engineering structures shall require review and approval by the Conservation Commission.*

The project does not include any coastal engineering structures.

## **Conclusion**

The proposed project is a relatively simple one that fully complies with the Wetland Protection Act and Newburyport Wetlands Ordinance.





**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 57th Street</u>	<u>Newburyport</u>	<u>01950</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>76</u>	<u>42.81145° N</u>	<u>70.81207° W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>296</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>George</u>	<u>Haseltine</u>	
a. First Name	b. Last Name	
<u>Windward Shaw</u>		
c. Organization		
<u>1 Shandel Drive</u>		
d. Street Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u>John and Hayley</u>	<u>Suminski</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>3 57th Street</u>		
d. Street Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

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

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

<u>500.00</u>	<u>237.50</u>	<u>262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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## A. General Information (continued)

6. General Project Description:

Replace existing single family home with a new home on pilings with associated landscape and site work.

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)
31485	0394
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.



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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. <input type="checkbox"/> Riverfront Area	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: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

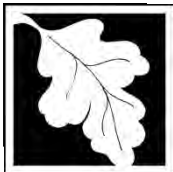
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

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

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

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

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



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	4900	5 +/- backfill of demo home
	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	4900	
	1. square feet	

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

\_\_\_\_\_ a. square feet of BVW \_\_\_\_\_ b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

\_\_\_\_\_ a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings





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### C. Other Applicable Standards and Requirements

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

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

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

August 1, 2017

b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:
- (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
- (b) outside Resource Area \_\_\_\_\_ percentage/acreage
2.  Assessor's Map or right-of-way plan of site
2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
- (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <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.



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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  
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

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

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

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC

---

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

**D. Additional Information**

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

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Newburyport
City/Town

## D. Additional Information (cont'd)

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

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

Notice of Intent Plan, 3 57th Street

a. Plan Title

Winter GEC, LLC

b. Prepared By

6/15/2021

d. Final Revision Date

Everett J. Chandler, PLS

c. Signed and Stamped by

1" = 10'

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:

5067

2. Municipal Check Number

5066

4. State Check Number

Windward Shaw

6. Payor name on check: First Name

6/16/2021

3. Check date

6/16/2021

5. Check date

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.

\_\_\_\_\_  
1. Signature of Applicant

6/16/21  
\_\_\_\_\_  
2. Date

\_\_\_\_\_  
3. Signature of Property Owner (if different)

\_\_\_\_\_  
4. Date

\_\_\_\_\_  
5. Signature of Representative (if any)

6/16/21  
\_\_\_\_\_  
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.



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

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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

*John Suminski*      *Hayley Suminski*

3. Signature of Property Owner (if different)

2. Date

6/17/2021

4. Date

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.

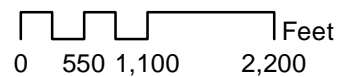
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



# 3 57th Street USGS Location Map



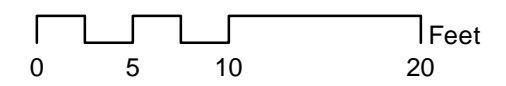
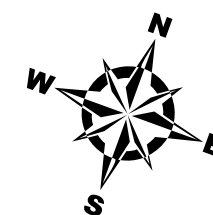
Prepared by Hughes Environmental Consulting, Data Source MassGIS







3 57th Street  
2019 Orthophoto







# 3 57th Street 2019 Orthophoto with FEMA Floodzone

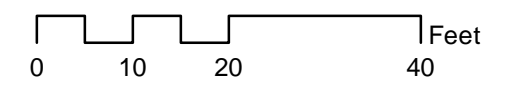
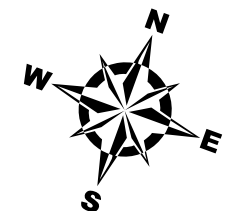


## Legend

### FEMA National Flood Hazard Layer

#### Flood Zone Designations

- A: 1% Annual Chance of Flooding, no BFE
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-3ft Ponding, with BFE
- AO: 1% Annual Chance of 1-3ft Sheet Flow Flooding, with Depth
- VE: High Risk Coastal Area
- D: Possible But Undetermined Hazard
- X: 0.2% Annual Chance of Flooding
- X: 1% Drainage Area < 1 Sq. Mi.
- X: Reduced Flood Risk due to Levee
- Area Not Included
- Area with no DFIRM - Paper FIRMs in Effect







## 3 57th Street — Site Photos



View from Road



Side of house, note bottom enclosed and solid fence



Landscape plants along front of house



Note sand area in back with stone patio to be removed



2020 Aerial from MiMap





# HUGHES ENVIRONMENTAL CONSULTING

44 MERRIMAC STREET, NEWBURYPORT, MA 01950  
PHONE 978.465.5400 • FAX 978.465.8100  
EMAIL THUGHES@HUGHESENV.R.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 **George Haseltine of Windward Shaw, LLC**
- 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 57<sup>th</sup> Street**
- D. The Public Hearing will be held on **July 6, 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](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

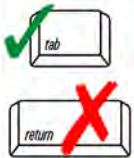






**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**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:

<u>3 57th Street</u>	<u>Newburyport</u>
a. Street Address	b. City/Town
<u>5066</u>	<u>237.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>George</u>	<u>Haseltine</u>	
a. First Name	b. Last Name	
<u>Windward Shaw, LLC</u>		
c. Organization		
<u>1 Shandel Drive, LLC</u>		
d. Mailing Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>John and Hayley</u>	<u>Suminski</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>3 57th Street</u>		
d. Mailing Address		
<u>Newburyport</u>	<u>MA</u>	<u>01950</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
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	1	500.00	500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	500.00
State share of filing Fee:	237.50
City/Town share of filing Fee:	262.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

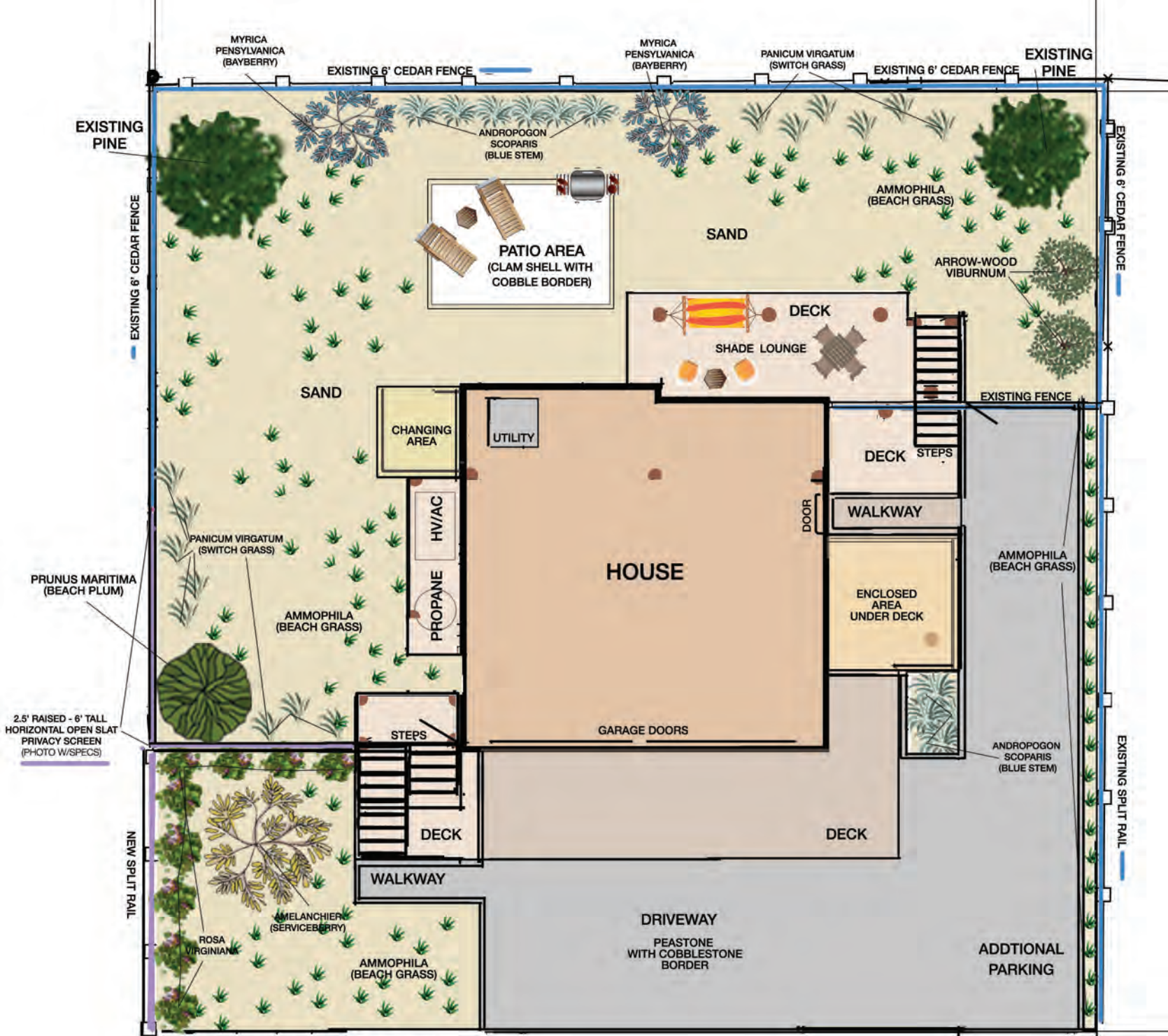
**C. Submittal Requirements**

- 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.)

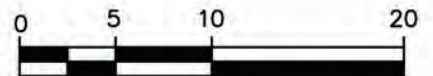


**DEBI LIBUDA LANDSCAPE DESIGN**

WINDWARD SHAW  
 3 57TH STREET  
 NEWBURYPORT MA

SPRING 2021

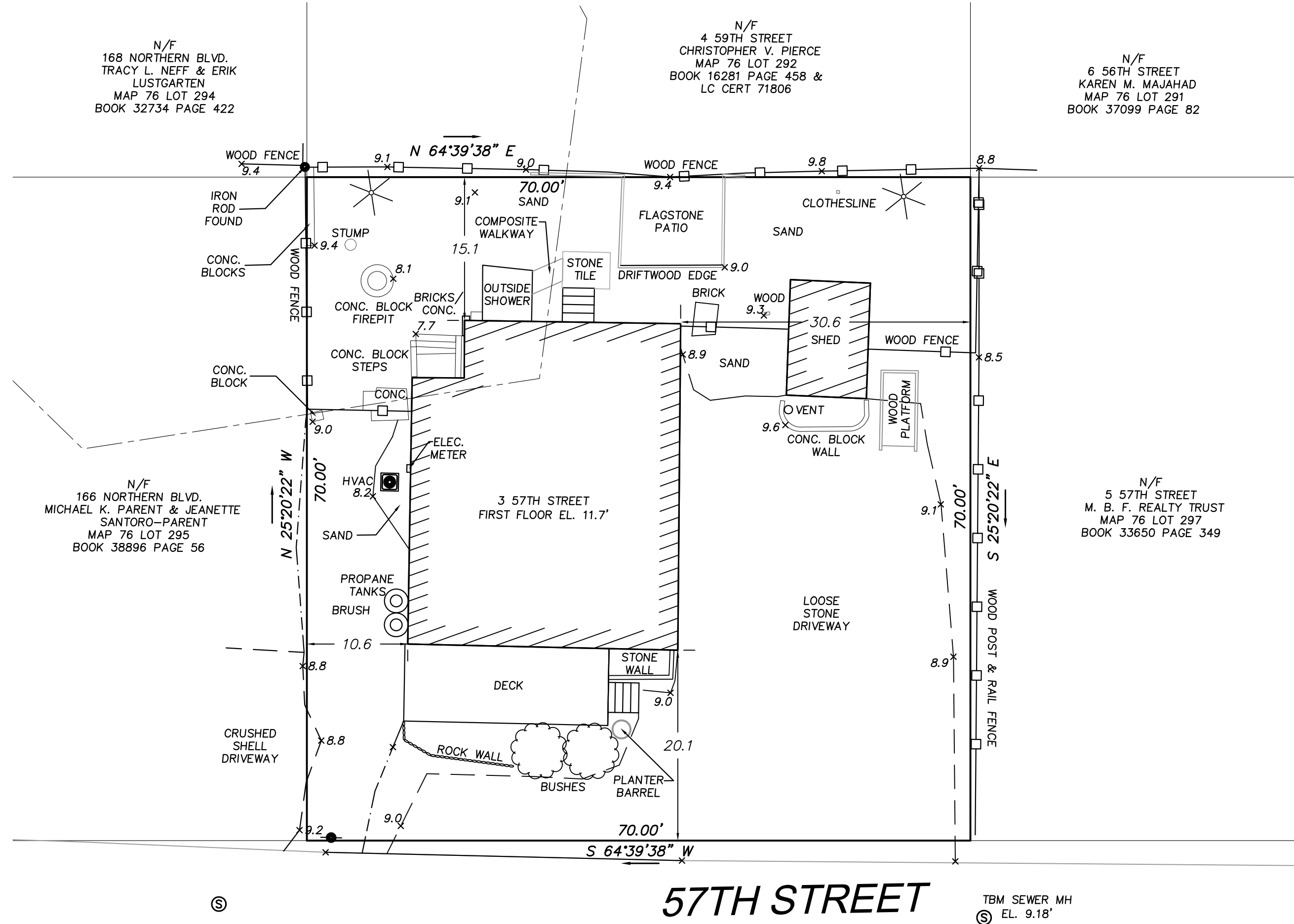
— = EXISTING FENCE  
 — = PROPOSED PRIVACY SCREEN



SCALE in FEET

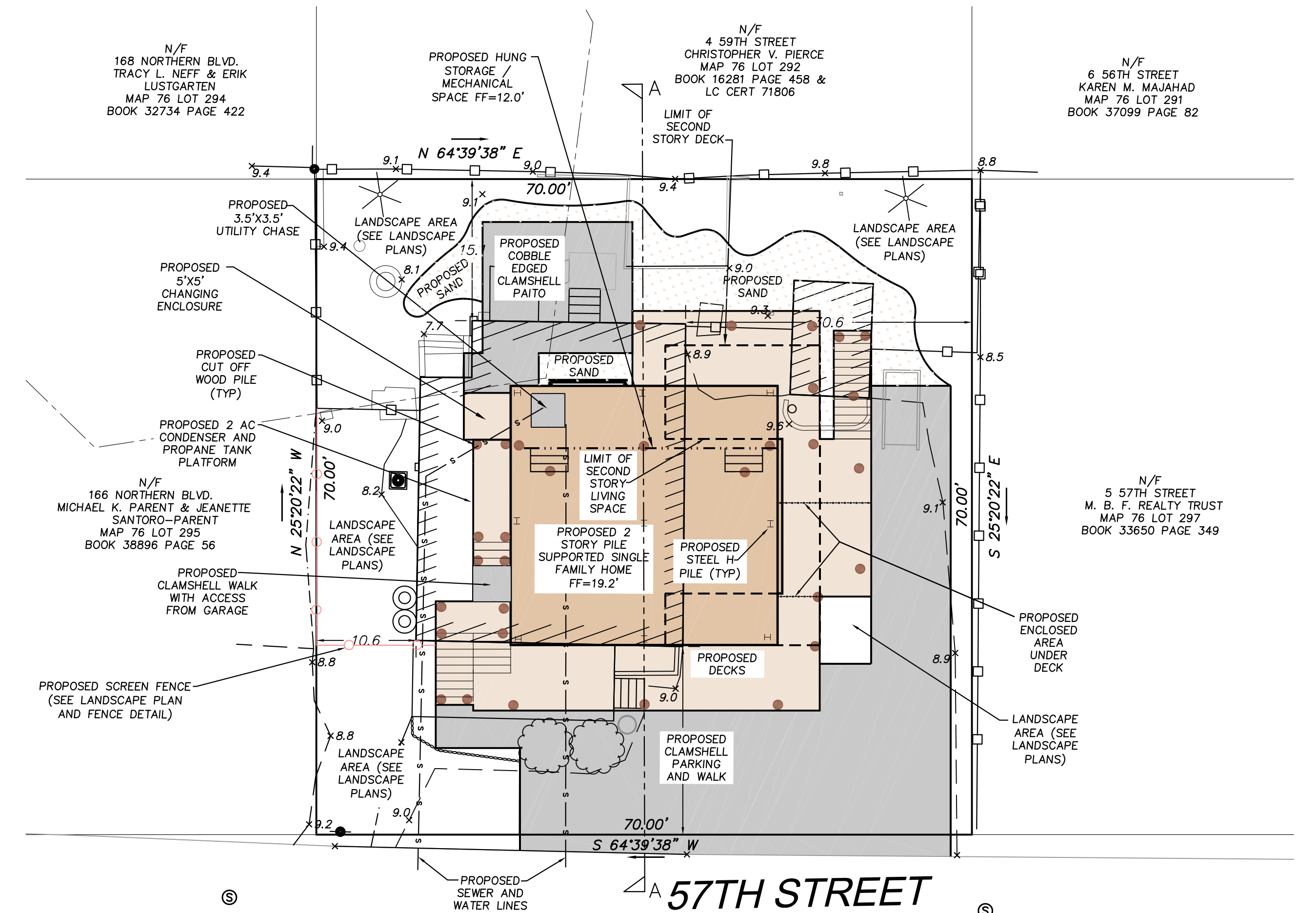
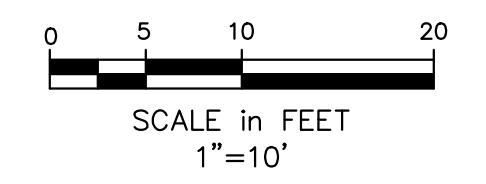






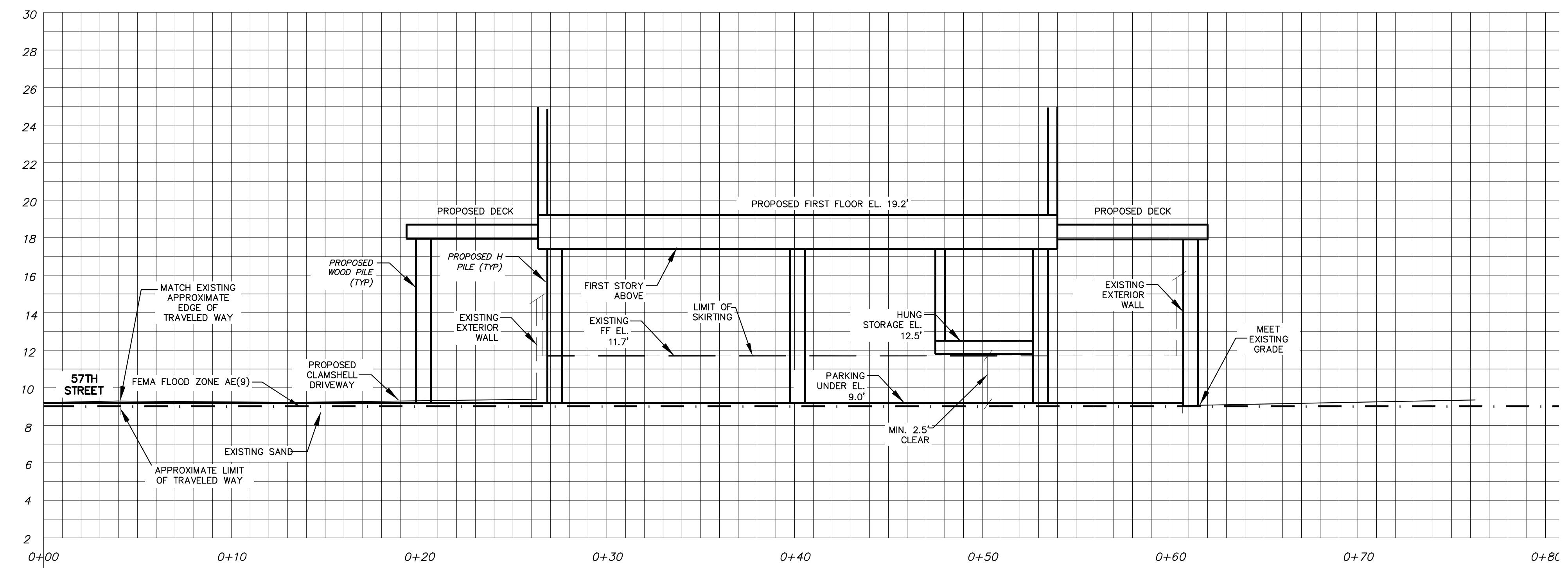
	Existing	Proposed
Lot Area	4900	4900
Building	940	797
Decks / Stairs	197	749
Shed	103	0
Gravel Driveway	1511	0
Flagstone Patio	106	0
AC Condenser	4	0
Propane Tanks	10	0
Basement Access	24	0
Misc Site Improvements	142	0
Sand	1093	393
AC/Propane Platform	0	54
Clamshell Driveway / Walkway	0	1205
Total Non-Veg	4130	3198
Total Veg	770	1702

**LOCUS TITLE INFORMATION**  
 3 53RD STREET  
 OWNER: JOHN W. & HAYLEY R. SUMINSKI  
 DEED REFERENCE: BK. 31485 PG. 394  
 ASSESSORS: MAP 76 LOT 296



**NOTES**  
 THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED RECONSTRUCTION OF THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON FEBRUARY 25, 2021 BY THIS FIRM.  
 OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.  
 ARCHITECTURAL PLANS HAVE BEEN UTILIZED FOR BUILDING SIZE, DECK/STAIR AND OTHER IMPROVEMENT LOCATIONS. FAR HAS BEEN CALCULATED BASED ON FLOOR AREAS PROVIDED BY THE ARCHITECT.  
 FINAL LOCATION OF UNDERGROUND UTILITIES TO BE COORDINATED WITH THE APPROPRIATE UTILITY PROVIDER EITHER PUBLIC OR PRIVATE. FINAL PILE LOCATIONS AND SPECIFICATIONS TO BE PROVIDED BY A LICENSED STRUCTURAL ENGINEER. LOCATIONS AND NUMBER OF PILES SHOWN HERE IS FOR DISPLAY PURPOSES ONLY.  
 ELEVATIONS ARE NAVD 88 AS ESTABLISHED BY RTK GPS.  
 BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE AO AND AE(9) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 25009C0141G WHICH BEARS AN EFFECTIVE DATE OF 07/16/2014 AND IS IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. FLOOD ZONE LIMITS SHOWN ARE TAKEN FROM MASS GIS DIGITAL LAYERS ON STATE PLANE COORDINATE SYSTEM.  
 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.

P.L.S.   
 EVERETT J. CHANDLER, P.L.S.  
 MASS. REGISTRATION NO. 41783



**SITE SECTION A-A**  
 SCALE: HORZ. 1"=4'  
 VERT. 1"=4'

Copyright 2021 Winter GEC, LLC

<b>Winter GEC, LLC</b> 44 MERRIMAC STREET NEWBURYPORT, MA 01950 978-270-8626	SCALE: HORIZ: 1"= 10' VERT: _____	NO. DATE BY REVISIONS	FIELD: <u>CO/EC</u> CALCS: <u>EC</u> CHECKED: <u>EJC</u> APPROVED: <u>EJC</u>	<b>NOTICE OF INTENT PLAN</b>  <b>3 57TH STREET</b>	PLAN OF LAND IN <b>NEWBURYPORT, MASSACHUSETTS</b> SURVEYED FOR <b>WINDWARD SHAW CONSTRUCTION</b>	PROJECT NO. 2021-353RD DATE: <u>JUN 15, 2021</u> SHEET NO. 1 OF 1
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