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

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)

10 75th 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 34 Winter Street

Newburyport, MA 01950

On Behalf of:

Raymond Kingman, Jr.

10 75th Street

Newburyport, MA 01950

Copies to:
MassDEP NERO
205B Lowell Street
Wilmington, MA 01887

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Application Contents:

- 1. Project Narrative
- 2. WPA Form 3, Notice of Intent
- 3. USGS Map
- 4. 2019 Digital Orthophoto with FEMA Flood Zones
- 5. Abutters List and Notification
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- 7. Architectural Profiles
- 8. Conservation Plan, 10 75th Street, prepared by Winter GEC, LLC dated February 8, 2022

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PROJECT NARRATIVE
to accompany a
NOTICE OF INTENT
For
Raymond R. Kingman, Jr.

10 75th Street

Newburyport

February 10, 2022

Overview

Ray Kingman, Jr. is seeking approval to replace the existing solid foundation home with an elevated home on pilings. The property is located in the AE9 and A0 floodplains, and is located in the Reservation Terrace section of Plum Island.

Current Site Conditions

The project site is a parcel of land, located near the end of 75th Street. The site is on a coastal dune located on a barrier beach, is located within Reservation Terrace section of Plum Island. It is currently developed with a single family home and a garage. As mapped by FEMA it contains both AE9 and A0 floodplains. Recent erosion seaward of the parcel has subject it to overwash that has pushed sand up against the home.

Project Proposal

The proposal is to remove the existing buildings and foundations and any hardscape from the site and replace it with a single family home as shown on the site plans. The driveway will be located on the landward side of the home. The structure will be elevated with an elevated storage area below. The project reduces the area of structure on the property and results in a far more resilient structure.

Planting

All areas disturbed by the project, which will include the areas in the back of the structure, will be revegetated with native dune plantings. All proposed plantings are American Beach Grass, planted one foot on center. Note that the area is currently not vegetated due to a recent influx of sand.

Wetland Protection Act

The project site is located at Plum Island, a barrier beach, within a densely developed portion of the dune system, at Reservation Terrace. 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.

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 since we are removing buildings that serve to obstruct flood waters and replacing them with a structure elevated on pilings. 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.

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

The project will mitigate for all impacts to vegetation.

(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 property 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 such 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 project 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 new building will comply with the building code for construction on a barrier beach within the Velocity Zone.

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/repaired 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 predamaged 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 section does not apply. The project is located within the AE and A0 zones, but does not constitute development or redevelopment since the building footprints are reduced.

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 structure will be constructed on piles and comply with this section.
- 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 project will be elevated on pilings.

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 will improve the ability of the dune to function by removing a solid structure that currently reflects wave energy during large storm events..

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 on the river side of the Jetty and is a replacement to an existing structure, even if the site were considered primary frontal dune.

- 8. No activity shall increase the elevation or velocity of flows in a floodplain. The project will not impact the function 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 complies with these standards.

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.

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 and will restore patterns by removing an obstruction.
- (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 has a first floor elevation that is elevated significantly above the dune surface. The underbuilding storage provides resiliency above the mapped floodplain.
- (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. However, we believe the work and structure is significantly above this elevation.

- (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 will restore function.

(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 site is outside these mapped areas.

(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.

We are reducing stormwater by having a smaller footprint.

- (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 not within the V zone.

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

No such structures are proposed.

(iii) Impermeable paving for new roads, driveways and parking lots;

No impervious paving is proposed.

- (iv) New or proposed expansions of coastal engineering structures; No coastal engineering structures are proposed.
- (v) New or expanded septic systems;

This does not apply.

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

No such work is proposed.

(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 or a coastal bank. The project will not adversely affect the ability of the landform to provide storm damage prevention and flood control.

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 project is a replacement structure and not within the V zone.

- (ii) Foundations other than open pilings or columns; The structure will be build on open pilings.
 - (iii)New or proposed expansions of roads, driveways, parking lots, impermeable paving for existing unpaved roads, driveways or parking lots;

No such items are proposed.

- (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; No such work is proposed.
- (vii) New or expanded utilities; This is not proposed.
- (vii) New underground storage tanks; and This is not proposed.

water quality of surface or groundwater.

(viii) 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

The proposed work will not alter the natural storage capacity of the land or interfere with the migration of coastal resources. The migration of coastal resources will be improved by removing a solid structure.

- (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 beach or bank.
 - (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;

- A portion of the project includes native plantings.
- (ii) Pedestrian walkways for public shoreline access and nonmotorized use;
- (iii) Elevated decks or walkways with appropriate height and spacing between planks to allow sufficient sunlight and precipitation penetration;
- (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

The proposed project fully complies with the Wetland Protection Act and Newburyport Wetlands Ordinance and given the need for more resiliency in this section of the island we ask the Commission to issue an Order of Conditions.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

A. General Information

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.

| 1. | 1. Project Location (Note: electronic filers will click on button to locate project site): | | | | |
|----|--|-----------------------|-------------------|--|--|
| | 10 75th | Newburyport | 01950 | | |
| | a. Street Address | b. City/Town | c. Zip Code | | |
| | | 42° 48' 52.812" N | 70° 48' 50.976" W | | |
| | Latitude and Longitude: | d. Latitude | e. Longitude | | |
| | 76 | 172D | • | | |
| | f. Assessors Map/Plat Number | g. Parcel /Lot Number | | | |
| 2. | Applicant: | | | | |
| | Raymond R. | Kingman, Jr. | | | |
| | a. First Name | b. Last Name | | | |
| | c. Organization 10 75th Street d. Street Address | | | | |
| | | | 0.4050 | | |
| | Newburyport | MA | 01950 | | |
| | e. City/Town | f. State | g. Zip Code | | |
| | h. Phone Number i. Fax Number | j. Email Address | | | |
| 3. | Property owner (required if different from appli | icant): Check if more | than one owner | | |
| | a. First Name | b. Last Name | | | |
| | c. Organization | | | | |
| | d. Street Address | | | | |
| | e. City/Town | f. State | g. Zip Code | | |

4. Representative (if any):

h. Phone Number

Tom Hughes a. First Name b. Last Name **Hughes Environmental Consulting** c. Company 44 Merrimac Street, Suite 311 d. Street Address Newburyport MA 01950 e. City/Town f. State g. Zip Code 978-465-5400 978-465-8100 thughes@hughesenvr.com h. Phone Number i. Fax Number j. Email address

j. Email address

5.

i. Fax Number

| Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form): | | | | | |
|---|-------------------|-----------------------|--|--|--|
| 500.00 | 237.50 | 262.50 | | | |
| a. Total Fee Paid | b. State Fee Paid | c. City/Town Fee Paid | | | |



Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 – Notice of IntentMassachusetts Wetlands Protection Act M.G.L. c. 131, §40

| rovided by MassDEP: |
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| MassDEP File Number |
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| Document Transaction Number |
| Newburyport |
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| City/Town |
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| Α. | General | Information | (continued) |
|----|---------|--------------------|-----------------|
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| A. | General Information (continued) | | |
|-----|---|------|--|
| 6. | General Project Description: Replace existing single family home with new home | on | pilings |
| 7a | Project Type Checklist: (Limited Project Types see | Sec | ction A 7h) |
| ra. | Troject Type Officialist. (Elifited Froject Types see | 000 | outil A. Tb.) |
| | 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 Restoration Limited Project) subject to 310 CMR 10 | | |
| | | | project applies to this project. (See 310 CMR e list and description of limited project types) |
| | 2. Limited Project Type | | |
| | If the proposed activity is eligible to be treated as an CMR10.24(8), 310 CMR 10.53(4)), complete and at Project Checklist and Signed Certification. | | |
| 8. | Property recorded at the Registry of Deeds for: | | |
| | Essex South | | |
| | a. County 22331 | b. С | Certificate # (if registered land) |
| | c. Book | | Page Number |
| В. | Buffer Zone & Resource Area Impa | act | ts (temporary & permanent) |
| 1. | ☐ Buffer Zone Only – Check if the project is located Vegetated Wetland, Inland Bank, or Coastal Re | | |
| 2. | Inland Resource Areas (see 310 CMR 10.54-10 Coastal Resource Areas). | | |
| | Check all that apply below. Attach narrative and any project will meet all performance standards for each standards requiring consideration of alternative project. | of t | the resource areas altered, including |



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

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

| ΌV | rided by MassDEP: |
|----|-----------------------------|
| | MassDEP File Number |
| | Document Transaction Number |
| | Newburyport |
| | City/Town |

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

| | Resource Area | | Size of Proposed Alteration | Proposed Replacement (if any) | | |
|---|---|---------------------------------------|---|-------------------------------|--|--|
| | а. 🗌 | Bank | 1. linear feet | 2. linear feet | | |
| | b. 🗌 | Bordering Vegetated Wetland | 1. square feet | 2. square feet | | |
| | c. 🗌 | Land Under Waterbodies and | 1. square feet | 2. square feet | | |
| | | Waterways | 3. cubic yards dredged | | | |
| | Resource | ce Area | Size of Proposed Alteration | Proposed Replacement (if any) | | |
| | d. 🗌 | Bordering Land Subject to Flooding | 1. square feet | 2. square feet | | |
| | | | 3. cubic feet of flood storage lost | 4. cubic feet replaced | | |
| | e. 🗌 | Isolated Land Subject to Flooding | 1. square feet | | | |
| | | | 2. cubic feet of flood storage lost | 3. cubic feet replaced | | |
| | f. 🗌 | Riverfront Area | 1. Name of Waterway (if available) - spec | ify coastal or inland | | |
| | 2. | Width of Riverfront Area (| check one): | | | |
| 25 ft Designated Densely Developed Areas only | | | | | | |
| | ☐ 100 ft New agricultural projects only | | | | | |
| | 200 ft All other projects | | | | | |
| | 3. Total area of Riverfront Area on the site of the proposed project: | | | | | |
| | | | , , , , | square feet | | |
| | 4. Proposed alteration of the Riverfront Area: | | | | | |
| | a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft. | | | | | |
| | 5. H | las an alternatives analysis | been done and is it attached to this | s NOI? Yes No | | |
| | 6. V | Vas the lot where the activity | ty is proposed created prior to Augu | ıst 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 ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

| ro۱ | vided 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. |
| |

| | Resou | rce Area | Size of Proposed Alter | ration | Proposed Replacement (if any) |
|---|--------------------------|--|---|----------------|---|
| | a. Designated Port Areas | | Indicate size under Land Under the Ocean, below | | |
| | b. 🗌 | Land Under the Ocean | 1. square feet | | |
| | | | 2. cubic yards dredged | | |
| | c. 🛛 | Barrier Beach | Indicate size under Co | astal Bea | ches and/or Coastal Dunes below |
| | d. 🗌 | Coastal Beaches | 1. square feet | | 2. cubic yards beach nourishment |
| | e. 🔀 | Coastal Dunes | 3100 1. square feet | | 5 (backfill old structure) 2. cubic yards dune nourishment |
| | | | Size of Proposed Alter | <u>ration</u> | Proposed Replacement (if any) |
| | f. 🗌 | Coastal Banks | 1. linear feet | | |
| | g. 🗌 | Rocky Intertidal Shores | 1. square feet | | |
| | h. 🗌 | Salt Marshes | 1. square feet | | 2. sq ft restoration, rehab., creation |
| | i. 🗌 | Land Under Salt Ponds | 1. square feet | | |
| | | | 2. cubic yards dredged | | |
| | j. 🗌 | Land Containing Shellfish | 1. square feet | | |
| | k. 🗌 | Fish Runs | | | ks, inland Bank, Land Under the er Waterbodies and Waterways, |
| | I. 🔀 | Land Subject to | 1. cubic yards dredged 3100 1. square feet | | |
| 4. | □ Re | Coastal Storm Flowage estoration/Enhancement | i. squaic icct | | |
| 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. squar | e feet of BVW | b. squ | uare feet of S | Salt Marsh |
| 5. | ☐ Pro | oject Involves Stream Cros | sings | | |
| | a. numb | er of new stream crossings | b. nui | mber of repla | acement stream crossings |



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

| Prov | rided by MassDEP: |
|------|-----------------------------|
| | MassDEP File Number |
| | Document Transaction Number |
| | Newburyport |
| | City/Town |

| 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). | | | | |
| Str | reamlined 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 <i>Massachusetts Natural Heritage Atlas</i> or go to http://maps.massgis.state.ma.us/PRI EST HAB/viewer.htm. | | | | |
| | a. Yes No If yes, include proof of mailing or hand delivery of NOI to: | | | | |
| | August 1, 2021 b. Date of map Natural Heritage and Endangered Species Program Division of Fisheries and Wildlife 1 Rabbit Hill Road Westborough, MA 01581 | | | | |
| | 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 | | | |
| | of site | | | | | |
| 2. | 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 s | ite | | | |
| | | | | | | |

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^{*} Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/maendangered-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.



3.

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

| Prov | rided by MassDEP: | | | |
|------|-----------------------------|--|--|--|
| | | | | |
| | | | | |
| | MassDEP File Number | | | |
| | | | | |
| | | | | |
| | Document Transaction Number | | | |
| | Document Transaction Number | | | |
| | Newburyport | | | |
| | Newburyport | | | |
| | City/Town | | | |
| | y | | | |

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

| Make | (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 <i>mail to NHESP</i> at above address | | | | | | | |
|---|---|--|--|--|--|--|--|--|
| Project | Projects altering 10 or more acres of land, also submit: | | | | | | | |
| (d) |] Vegetation cover type map of site | | | | | | | |
| (e) | Project plans showing Priority & Estima | ted Habitat boundaries | | | | | | |
| (f) OF | R Check One of the Following | | | | | | | |
| 1. 🗌 | 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" determit with approved plan. | rmination or valid Conservation & Management | | | | | | |
| For coasta line or in a | | osed project located below the mean high water | | | | | | |
| a. 🗌 Not a | applicable – project is in inland resource a | area only b. ☐ Yes ⊠ No | | | | | | |
| lf yes, inclu | ude proof of mailing, hand delivery, or ele | ctronic delivery of NOI to either: | | | | | | |
| South Shore the Cape & | e - Cohasset to Rhode Island border, and Islands: | North Shore - Hull to New Hampshire border: | | | | | | |
| Division of Marine Fisheries - Southeast Marine Fisheries Station Attn: Environmental Reviewer B36 South Rodney French Blvd. New Bedford, MA 02744 Email: dmf.envreview-south@mass.gov Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: dmf.envreview-north@mass.gov | | | | | | | | |
| Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office. | | | | | | | | |
| c. 🗌 🛮 Is t | this an aquaculture project? | d. ☐ Yes ☒ No | | | | | | |
| f yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57). | | | | | | | | |

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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

| rovid | ed by MassDEP: |
|-------|----------------------------|
| N | lassDEP File Number |
| D | ocument Transaction Number |
| Ν | lewburyport |
| С | ity/Town |

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

| | 4. | Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)? |
|--|----|--|
| Online Users: Include your document | | 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. |
| transaction | | b. ACEC |
| number (provided on your receipt page) with all | 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? |
| supplementary | | a. 🗌 Yes 🗵 No |
| information you submit to the Department. | 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. Subscription 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.) |
| | | |

Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative

to the boundaries of each affected resource area.

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2.



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

| Prov | rided by MassDEP: |
|------|-----------------------------|
| | MassDEP File Number |
| | Document Transaction Number |
| | Newburyport |
| | City/Town |

| D. Add | ditional information (cont'd) | | | | | |
|----------|---|--|---------------------|--|--|--|
| 3. | Identify the method for BVW and other re Field Data Form(s), Determination of Ap and attach documentation of the met | plicability, Order of Resource | | | | |
| 4. 🖂 | List the titles and dates for all plans and | other materials submitted wit | h this NOI. | | | |
| C | onservation Plan 10 75th Street | | | | | |
| a. | Plan Title | | | | | |
| | /inter GEC, LLC | Everett J. Chandler, PLS | 8 | | | |
| | Prepared By | c. Signed and Stamped by | | | | |
| | /8/2022 | 1" = 10' | | | | |
| | Final Revision Date | e. Scale | | | | |
| | rchitectural set | | n. Data | | | |
| _ | Additional Plan or Document Title | | g. Date | | | |
| 5. 📙 | If there is more than one property owner listed on this form. | , piease attach a list of these | property owners not | | | |
| 6. | Attach proof of mailing for Natural Herita | ge and Endangered Species | Program, if needed. | | | |
| 7. | Attach proof of mailing for Massachusett | s Division of Marine Fisherie | s, if needed. | | | |
| 8. 🛛 | Attach NOI Wetland Fee Transmittal For | m | | | | |
| 9. | Attach Stormwater Report, if needed. | | | | | |
| | | | | | | |
| E. Fees | s | | | | | |
| 1. | Fee Exempt: No filing fee shall be asses of the Commonwealth, federally recogniz authority, or the Massachusetts Bay Trai | zed Indian tribe housing auth | | | | |
| | Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment: | | | | | |
| 2271 | | 02/10/2022 | | | | |
| 2. Muni | icipal Check Number | 3. Check date | | | | |
| 2272 | | 02/10/2022 | 02/10/2022 | | | |
| 4. State | e Check Number | 5. Check date | | | | |
| | es Environmental Consulting | | | | | |
| 6 Pavo | or name on check: First Name | Pavor name on check: | Last Name | | | |

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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

| 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.

| PA () | 02/10/2022 |
|--|------------|
| . Signature of Applicant | 2. Date |
| Signature of Property Owner (if different) | 4. Date |
| W 1/2 C- | 2/11/2022 |
| 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:

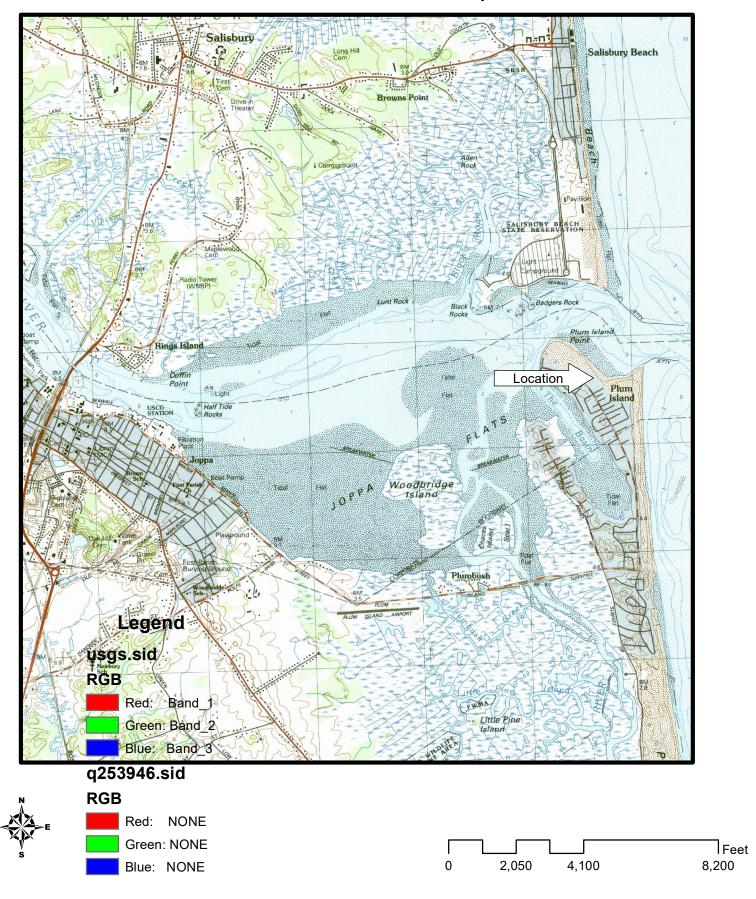
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

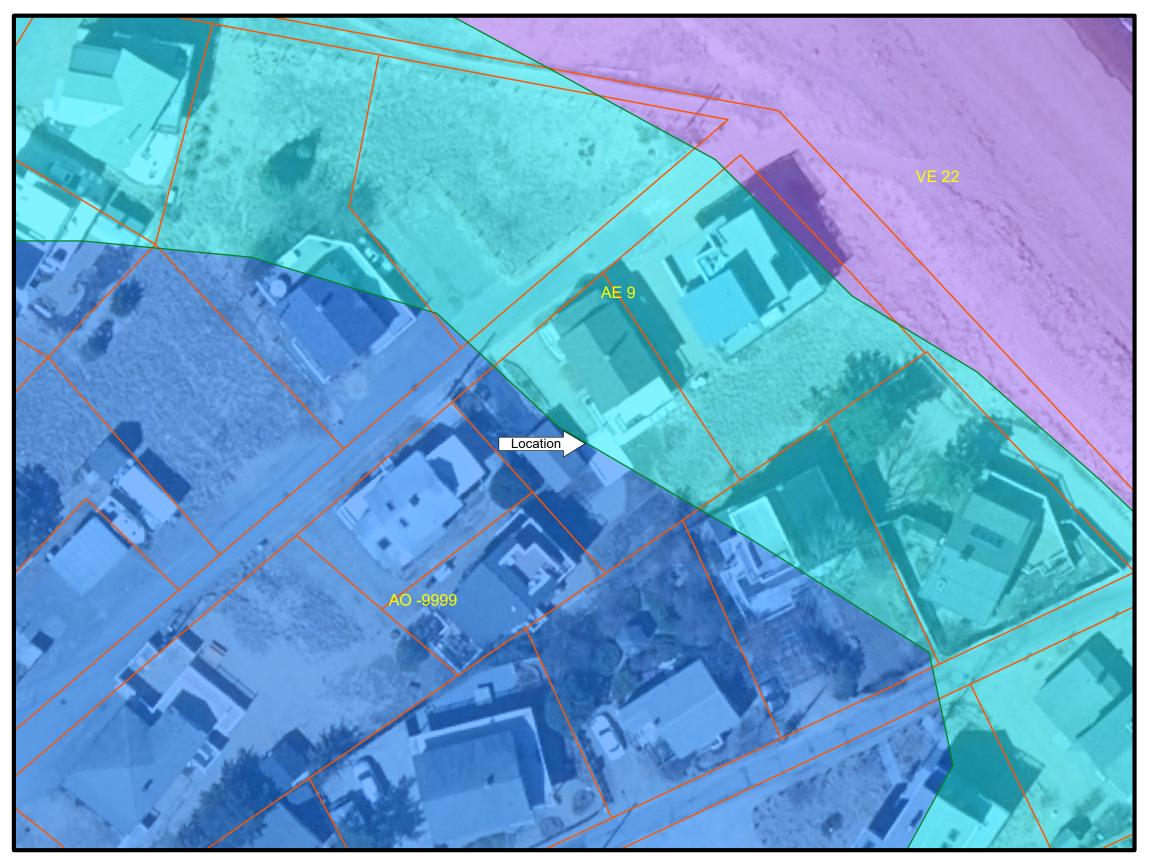
Other:

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.

10 75th Street, Newburyport MA USGS Location Map





10 75th 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

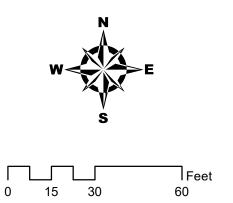
X: 0.2% Annual Chance of Flooding

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





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

February 2, 2022

To:

Newburyport Conservation Commission

From:

Newburyport Board of Assessors

Re:

Abutters List: 10 75TH STREET

Newburyport Map: 76 Lot: 172D

The following are the abutters of the above mentioned property:

Board of Assessors

gill Brenne

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.

76/ 171/D KUCINSKI JOHN M IRENE V T/E 13 PAT DRIVE DANVERS, MA 01923 76/ 172/D KINGMAN RAYMOND R JR ANDREA S T/E 10 75TH ST **NEWBURYPORT, MA 01950** 76/ 173/D 1 SERENO FRANK H DIANE M T/E **54 PAMELA DRIVE HOLLISTON, MA 01746** 76/ 174/D MONIZ ELLEN L TRUSTEE **ELLEN L MONIZ TRUST 6 75TH ST NEWBURYPORT, MA 01950** 76/ 175/ SCHALL JEREMY C 32 MULBERRY CIRCLE **METHUEN, MA 01844** 76/ 179/D **WEISS CAROL & MARVIN T/E** KAREN & BARRY ROSENFELD T/E 619 PENNLYN PLACE **BRIDGEWATER, NJ 08807** 76/ 180/ 1 MINTZ GLORIA 9 73RD ST **NEWBURYPORT, MA 01950** 76/ 181/ 1 **MULLER MICHAEL** STANLEY MULLER J/T 11 73RD ST **NEWBURYPORT, MA 01950** 76/ 182/ SACKS STANTON & JUDITH T/E 7 LILS WAY LYNNFIELD, MA 01940 76/ 184/ **BOSSI GEORGE E TRS GEORGE E BOSSI 2013 REVOC. TRUST** 8 73RD ST **NEWBURYPORT, MA 01950**

76/ 186/ / /
BOUTSELIS NICHOLAS J & MAXIMINA
BOUTSELIS REALTY TRUST
216 NORTHERN BLVD
NEWBURYPORT, MA 01950

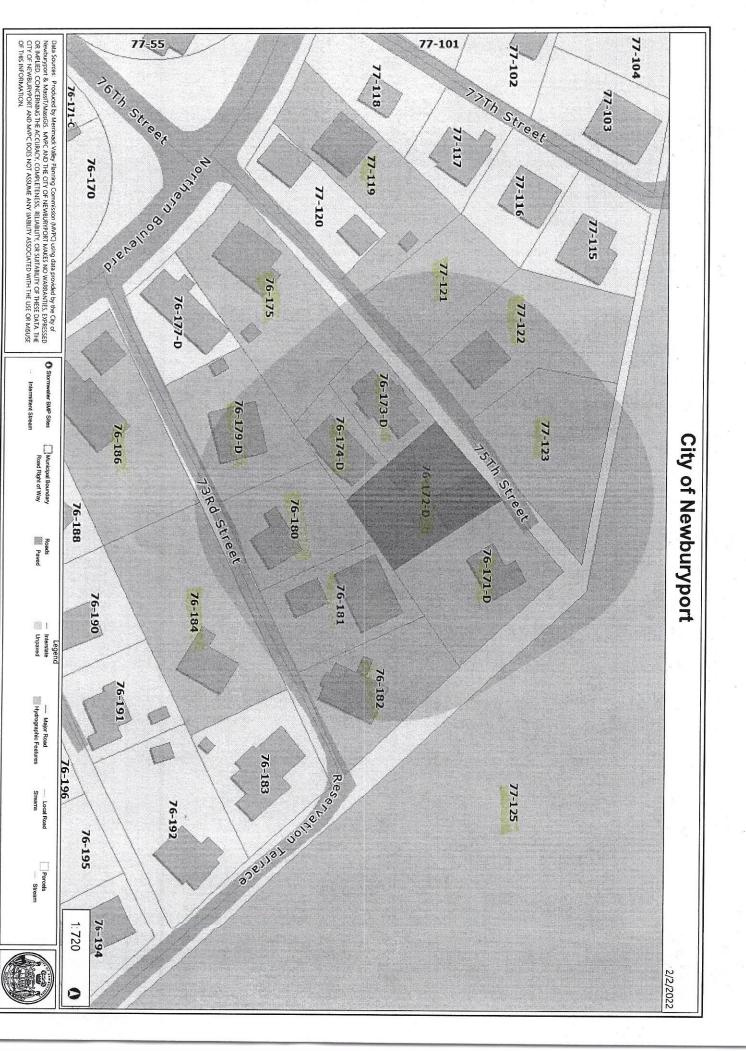
77/ 119/ / /
KRAUSE TIMOTHY
JEAN ANN T/E
224 NORTHERN BLVD
NEWBURYPORT, MA 01950

77/ 121/ /
DELOACH ROLAN M JR
SHERIDAN GEORGE J
509 HERB RIVER DRIVE
SAVANNAH, GA 31406

77/ 122/ / /
OBRIEN HELEN F L/I
MCLAUGHLIN LEE A.
9 75TH ST
NEWBURYPORT, MA 01950

77/ 123/ / /
KINGMAN RAYMOND R JR
ANDREA S T/E
10 75TH STREET
NEWBURYPORT, MA 01950

77/ 125/ / /
COMMONWEALTH OF
MASSACHUSETTS
DEPARTMENT ENVIRONMENTAL MGMT
100 CAMBRIDGE ST
BOSTON, MA 02202



44 Merrimac Street, Newburyport, MA 01950 phone 978.465.5400 \bullet 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 **Raymond Kingman**, **Jr**.
- 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: 10 75th Street
- D. The Public Hearing will be held on **March 1, 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. All interested parties should look to the meetings calendar on the City website as the hearing date approaches.
- E. Copies of the Notice of Intent may be examined by visiting www.cityofnewburyport.com/conservation-commission and selecting the meeting agenda.
- F. Copies of the Notice of Intent may be obtained from applicant's representative <u>Hughes Environmental Consulting</u>, 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.

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

A. Applicant Information

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





| • • | | | | |
|--------------------|---------------|------------------|-------------|--|
| Location of Projec | t: | | | |
| 10 75th St | | Newburyport | | |
| a. Street Address | | b. City/Town | | |
| 2272 | | 237.50 | | |
| c. Check number | | d. Fee amount | | |
| Applicant Mailing | Address: | | | |
| Raymond R. | | Kingman, Jr. | | |
| a. First Name | | b. Last Name | | |
| c. Organization | | | | |
| 10 75th Street | | | | |
| d. Mailing Address | | | | |
| Newburyport | | MA | 01950 | |
| e. City/Town | | f. State | g. Zip Code | |
| h. Phone Number | i. Fax Number | j. Email Address | | |
| Property Owner (in | f 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 | | |

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

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.



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 |
| | | | |
| | | | |
| | Step 5/T | otal Project Fee: | 500.00 |
| | Step 6 | Fee Payments: | |
| | Total | Project Fee: | 500.00 a. Total Fee from Step 5 |
| | State share | of filing Fee: | 237.50 b. 1/2 Total Fee less \$12.50 |
| | City/Town shar | e of filling Fee: | 262.50 c. 1/2 Total Fee plus \$12.50 |

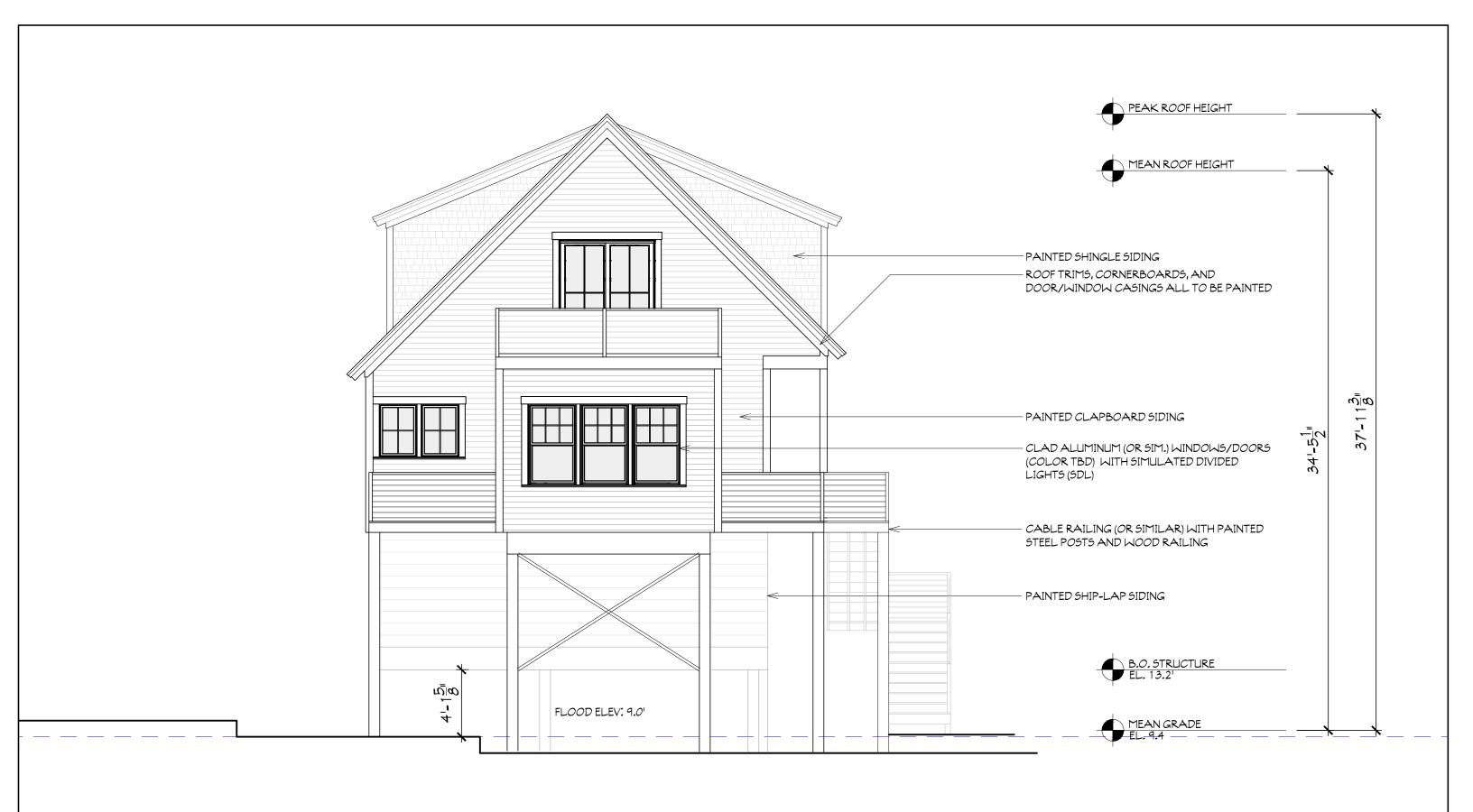
C. Submittal Requirements

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

Department of Environmental Protection Box 4062 Boston, MA 02211

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

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



BENJAMIN NUTTER ARCHITECTS, LLC

NEW HOUSE FOR:

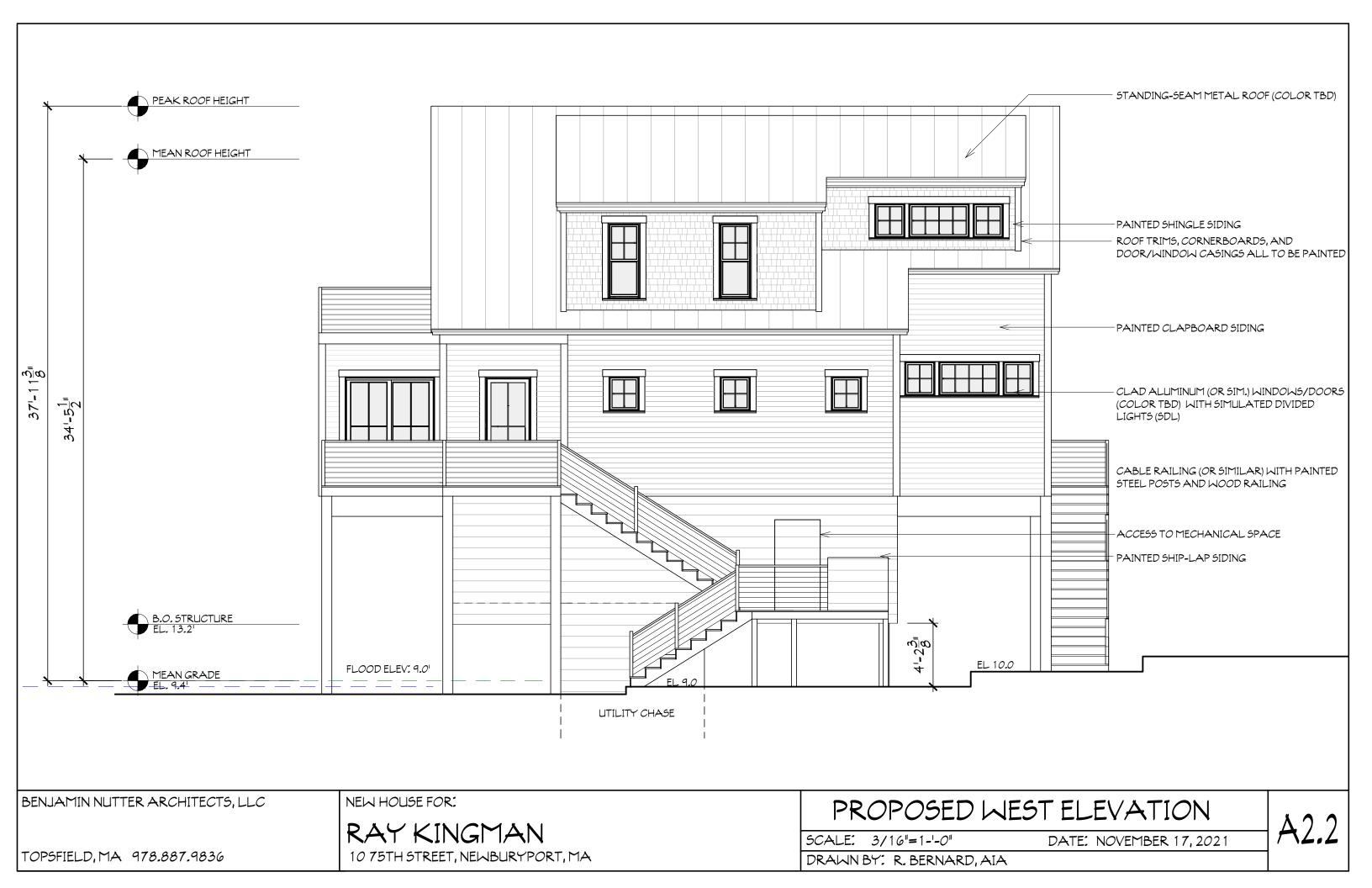
RAY KINGMAN

PROPOSED NORTH ELEVATION

SCALE: 3/16"=1-'-0" DATE: NOVEMBER 17, 2021 DRAWN BY: R. BERNARD, AIA

TOPSFIELD, MA 978.887.9836

10 75TH STREET, NEWBURYPORT, MA





BENJAMIN NUTTER ARCHITECTS, LLC

TOPSFIELD, MA 978.887.9836

NEW HOUSE FOR:

RAY KINGMAN
10 75TH STREET, NEWBURYPORT, MA

PROPOSED SOUTH ELEVATION

SCALE: 3/16"=1-'-0" DATE: NOVEMBER 17, 2021

DRAWN BY: R. BERNARD, AIA

A2.3



BENJAMIN NUTTER ARCHITECTS, LLC

TOPSFIELD, MA 978.887.9836

NEW HOUSE FOR:

RAY KINGMAN
10 75TH STREET, NEWBURYPORT, MA

PROPOSED EAST ELEVATION

SCALE: 3/16"=1-'-0" DATE: NOVEMBER 17, 2021

DRAWN BY: R. BERNARD, AIA

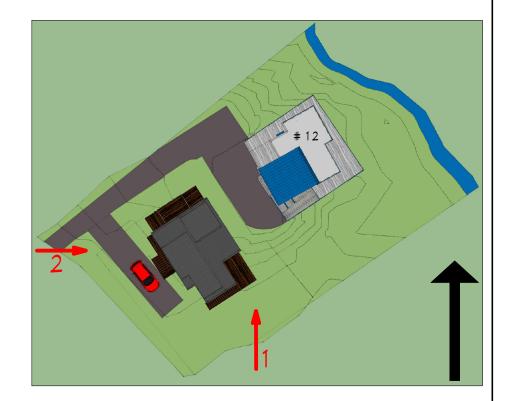
A2.4

1: VIEW FROM SOUTH





2: VIEW FROM WEST



BENJAMIN NUTTER ARCHITECTS, LLC

NEW HOUSE FOR:

RAY KINGMAN
10 75TH STREET, NEWBURYPORT, MA

PROPOSED 3D VIEWS

SCALE: N.T.S. DATE: NOVEMBER 17, 2021
DRAWN BY: R. BERNARD, AIA

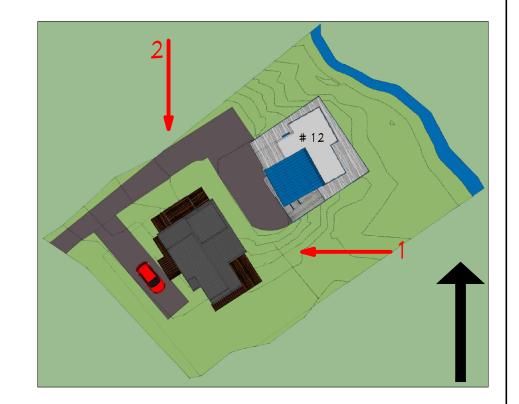
A2.5

TOPSFIELD, MA 978.887.9836

1: VIEW FROM EAST







2: VIEW FROM NORTH

BENJAMIN NUTTER ARCHITECTS, LLC

NEW HOUSE FOR:

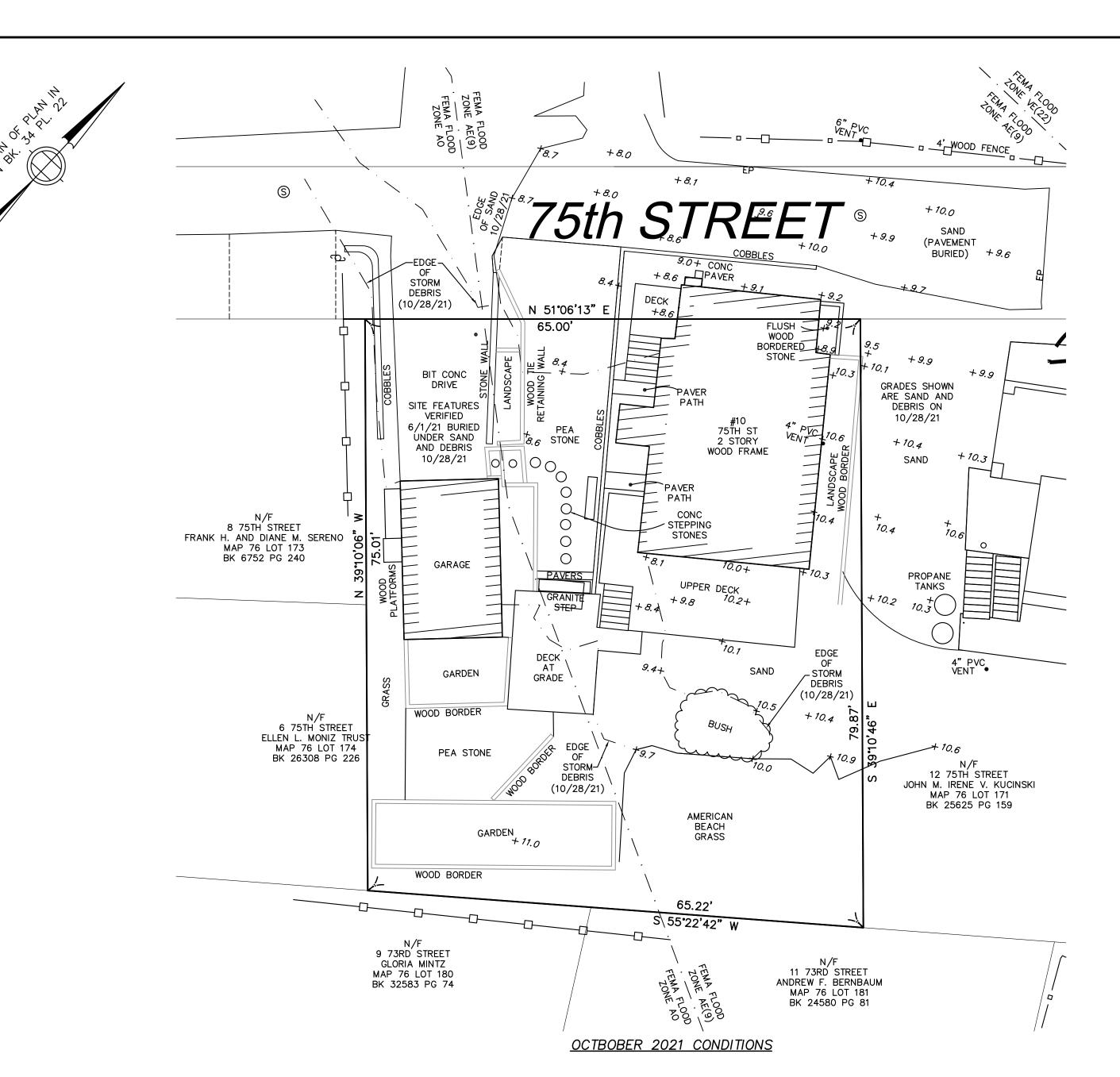
RAY KINGMAN 10 75TH STREET, NEWBURYPORT, MA

| PROP | OSED | 3D | VIEWS |
|------|------|----|-------|
| | | | |

SCALE: N.T.S. DATE: NOVEMBER 17, 2021
DRAWN BY: R. BERNARD, AIA

TOPSFIELD, MA 978.887.9836

A2.0



<u>NOTES</u>

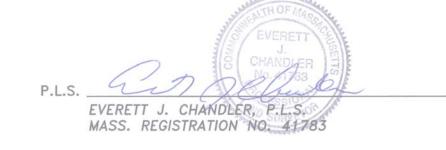
THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED RECONSTRUCTION OF THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BETWEEN OCTOBER 2018 AND OCTOBER 2021 BY THIS FIRM.

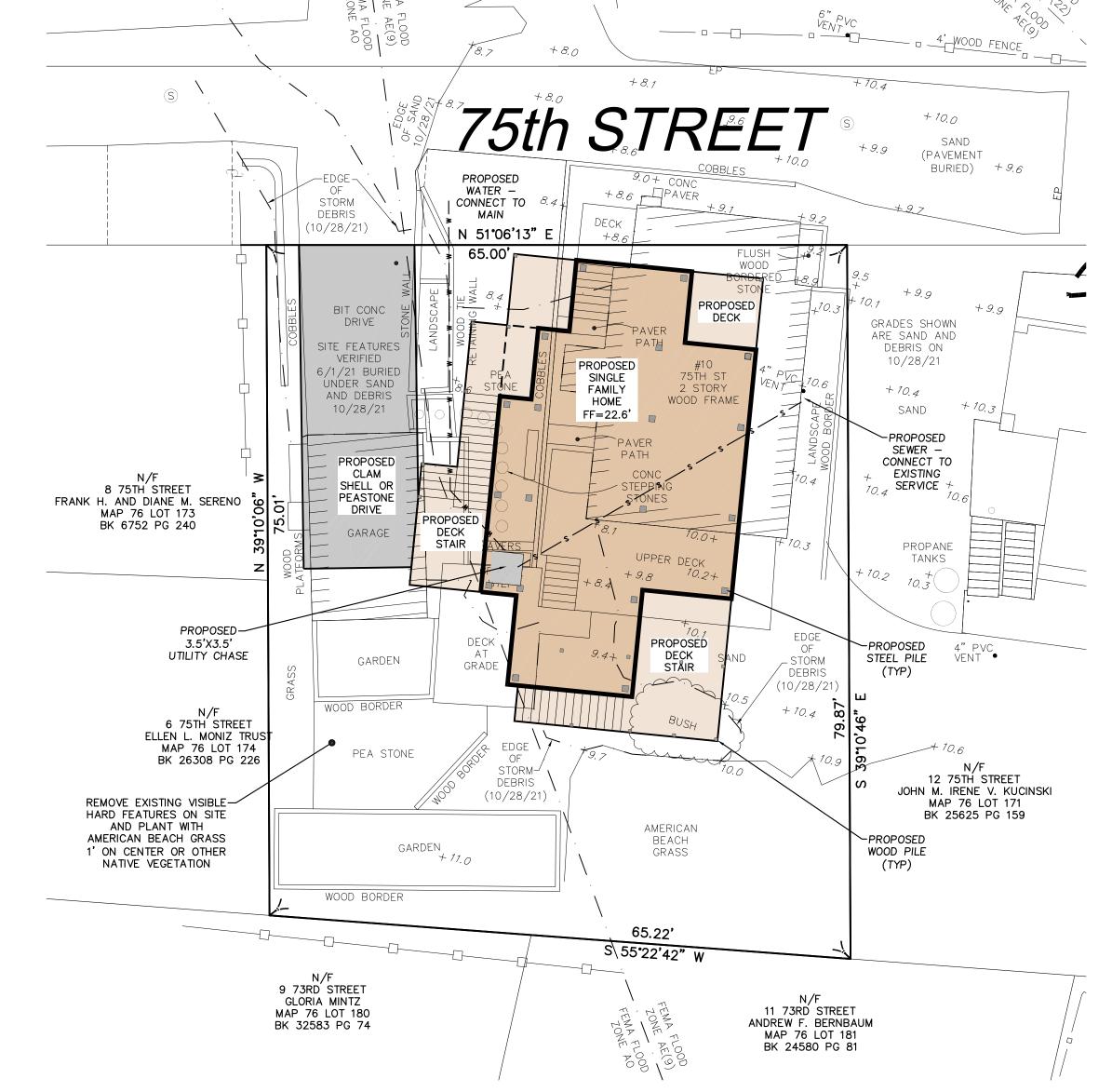
ARCHITECTURAL PLANS HAVE BEEN UTILIZED FOR BUILDING SIZE, DECK/STAIR AND OTHER IMPROVEMENT LOCATIONS. FINAL LOCATION OF UNDERGROUND UTILITIES TO BE COORDINATED WITH THE APPROPRIATE UTILITY PROVIDER EITHER PUBLIC OR PRIVATE. FINAL PILE LOCATIONS AND SPECIFICATIONS TO BE PROVIDED BY A LICENSED STRUCTURAL ENGINEER. LOCATIONS AND NUMBER OF PILES SHOWN HERE IS FOR DISPLAY PURPOSES ONLY.

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 AE(9) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 25009C0129F WHICH BEARS AN EFFECTIVE DATE OF 07/03/2012 AND IS IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

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.





PROPOSED CONDITIONS

| Lot Area | 5034 | | |
|------------------------------|------------|-------------|----|
| | Existing | Proposed | |
| Building | 792 | 1036 | |
| Garage | 268 | 0 | |
| Decks | 562 | 489 | |
| Paved Drive | 254 | 0 | |
| Clam Shell Drive | 0 | 467 | |
| Paver Path | 22 | 0 | |
| Stone Retaining Wall | 18 | 0 | |
| Timber Edging | 101 | 0 | |
| Cobble Edging | 48 | 0 | |
| Trash Platform | 21 | 0 | |
| Stepping Stones | 13 | 0 | |
| Pea Stone | 681 | 0 | |
| Total Altered * | 2780 | 1992 | |
| Total Vegetated ** | 2254 | 3042 | |
| *Excludes landscape, g | garden and | grass areas | S. |
| ** All areas not drive | | | |
| to be planted with among the | | | |

Structure 20% Structure Area Increase Area 1622 1946 1525

LOCUS TITLE INFORMATION 10 75th STREET

OWNER: RICHARD R. KINGMAN, JR. & ANDREA S. KINGMAN

DEED REFERENCE: BK. 22331 PG. 375

PLAN REFERENCE: PLAN BK. 34 PLAN 22 ASSESSORS: MAP 76 LOT 172D

Copyright 2022 Winter GEC, LLC

44 MERRIMAC STREET

978-270-8626

NEWBURYPORT, MA 01950

Winter GEC, LLC

SCALE: HORIZ: __1"= 10' VERT: _____ NO. DATE BY REVISIONS

FIELD: MP/EC/C CALCS: CHECKED: <u>EJC</u> APPROVED: <u>EJC</u>

CONSERVATION PLAN

10 75th STREET

PLAN OF LAND NEWBURYPORT, MASSACHUSETTS

RICHARD & ANDREA KINGMAN

SURVEYED FOR

DATE: <u>FEB 8, 2022</u> SHEET NO. 1 OF 1

PROJECT NO.

2021-10-75TH