

# HUGHES ENVIRONMENTAL CONSULTING

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

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

## BRP WPA Form 3 – Notice of Intent

(M.G.L. c. 131, §40 and Newbury Wetlands Bylaw)

### 3 33<sup>rd</sup> Street, Newbury



Submitted to:  
**Newbury Conservation Commission**  
Town Hall  
12 Kent Way  
Byfield, MA 01922

Prepared by:  
**Hughes Environmental Consulting**  
44 Merrimac Street  
Newburyport, MA 01950

On Behalf of:  
**Sea Chanty, LLC**  
38 Hamilton Terrace  
Georgetown, MA 01833

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

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

July 6, 2022



# **HUGHES ENVIRONMENTAL CONSULTING**

---

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

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

## **Application Contents:**

- 1. Project Narrative**
- 2. WPA Form 3**
- 3. Selectmen Meeting Minutes authorizing filing in ROW**
- 4. USGS Location Map**
- 5. FEMA Firmette**
- 6. 2021 Orthophoto**
- 7. 2021 Orthophoto with NHESP**
- 8. Site Photos**
- 9. Abutters List and copy of abutters notice**
- 10. WPA Fee Transmittal Form**
- 11. Site Plan**



# **HUGHES ENVIRONMENTAL CONSULTING**

---

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

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

## **PROJECT NARRATIVE**

**to accompany**

## **NOTICE OF INTENT**

**For**

**Sea Chanty, LLC**

**3 33<sup>rd</sup> Street**

**Newbury**

**July 6, 2022**

## **Overview**

Beth Quinn of Sea Chanty, LLC is seeking to restore parking to the home at 3 33<sup>rd</sup> Street. Sea Chanty, LLC is an entity comprised of a family that has owned the property for decades. For the last 70 +/- years, the family and their guests have used 33<sup>rd</sup> Street as a driveway. They were recently informed by the Town that they could no longer park in the Right of Way. As a result, we are seeking to create two 9x18 parking spots on the property. The work will require improvements in the right of way as well as on the property at 3 33<sup>rd</sup> Street.

## **Current Site Conditions**

The project site is located at Plum Island, a barrier beach, in a densely developed section of land in the Town of Newbury. The property is located within Barrier Beach and Coastal Dune. The property is located within the VE16 floodplain and mapped Primary Frontal Dune.

The site consists of a 20,210+/- square foot lot. The property is developed with a single-family home, walkways, etc... Overall the site is well vegetated, although there is a large sand area with some areas of sparse vegetation located to the north and east of the existing home. West of the home, there are landscape beds in a somewhat deteriorated state along with areas of remnant lawn. South of the home is the end of the improved section of 33<sup>rd</sup> Street. This area has historically been used by the family and their guests for parking. At the end of the improved section, the Right of Way goes from gravel to a worn path that meanders towards the beach.

## **Project Proposal**

The proposal is to provide parking on site for the home. The proposed parking calls for 2 9X18 gravel or clamshell finished spaces with enough room for a turnaround in 33<sup>rd</sup> Street. Existing stairs to the home will need to be relocated as shown on the plans. In order to prevent any water from running towards the neighbors a stone French drain will be installed at the perimeter of the parking. The work in 33<sup>rd</sup> Street will require a right of entry from the Board of Selectmen. On June 14, 2022 the Selectmen voted to allow our application to proceed with Conservation. Copies of the minutes are attached.

The project involves 466 square feet of area on property and 310 square feet of work area in the 33<sup>rd</sup> Street Right of Way. Note that about 600 square feet of the above area is vegetated. Some of the vegetation on site being impacted is dune grass, while other areas are remnant lawn and landscape beds. Within the right of way, the impact is to largely to rosa rugosa with some minor areas of dune grass. We propose to plant 1,100 American beach grass plants within a large area that is comprised of sandy areas with some American beach grass growing intermittently in sparse areas. The area of planting within this will more than offset the area of impact both on site and within the Right of Way.

Additionally, the project plans include a split rail fence along the western property line to both establish the property line and to minimize trampling into the dune.

## **Wetland Protection Act**

Since the the project is located on a barrier 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.

The proposed project will not adversely affect dune function and will improve dune function in portions of the lot where building and pavement are being removed.

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 proposed project is located on the landward side of an existing home. The driveway and parking area is comprised of dune compatible materials and will not impact this function.

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

The project area will impact vegetated cover, but the surface material proposed will provide dune stabilization. Additionally, the vegetation will be mitigated for as shown on the project plans.

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

The proposal will not change dune form in any way that would impact the potential for storm or flood damage.

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

The project will not interfere with the landward or lateral 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 project itself is not within the Estimated Habitat Map of State-Listed Rare Wildlife published by the Natural Heritage and Endangered Species Program, however, the mitigation planting area does extend into mapped habitat. A copy of this NOI has been sent to NHESP.

***(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 buildings 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 plantings to increase the native vegetative cover through mitigative plantings as described in the Notice of Intent and as shown on the plans.

***(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 lot contains mapped areas as shown on the Estimated Habitat Map of State-Listed Rare Wildlife published by the Natural Heritage and Endangered Species Program. These maps were last revised in August 1, 2021. We will incorporate any feedback from NHESP into our project to avoid any adverse effect.

### **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.

### **Newbury Wetlands Bylaw, Chapter 95**

The specific performance standards of the Newbury Wetlands Bylaw, prescribed in Chapter § 95-4 are addressed below.

***A. No new Development shall be permitted within a FEMA V-Zone or AO-Zone.***

The project is located in the VE zone, but since our parking is limited to 29 x 18 parking spaces and there is no parking on site presently, it is excluded from the definition of development.

***B. No redevelopment shall be permitted within a FEMA V-Zone or AO-Zone except that Structures or Buildings may be redeveloped/repared only in accordance with current local, state and federal regulatory standards. In all instances, reconstruction, renovation or repairs***



*to Structures or Buildings shall be authorized as stated herein, provided that the sum of the footprint of all structures or buildings would not exceed 20% of the area of the lot;*

The work is excluded from the definitions of development and redevelopment.

*C. In all other areas of the Plum Island Barrier Beach outside of the V-Zone and AO-Zone, all new Buildings and shall comply with State Building Code Regulations for elevation and flood proofing. All existing Buildings with Substantial Improvements, and all horizontal expansions of the existing footprint, shall comply with State Building Code Regulations for elevation and flood proofing.*

The project fully complies with the building code.

*D. In all areas of the Plum Island Barrier Beach, electrical, heating, ventilation, plumbing and air conditioning and other service facilities shall be designed to avoid or minimize impacts to coastal beaches and coastal dunes.*

We are not proposing any work related to utilities.

*E. In all areas of the Plum Island Barrier Beach, 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 IB.*

The project is excluded from the definitions of development or redevelopment.

*F. In all areas of the Plum Island Barrier Beach, in areas where there are coastal banks or primary or frontal dunes, all new Buildings and Structures, excluding replacement of existing Building 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 not a structure.

*G. In all areas of the Plum Island Barrier Beach, no activity shall increase the elevation or velocity of flows in a floodplain.*

The project will not impact floodplain elevations or velocities.

*H. Within the FEMA V Zone, A Zone, or AO Zone, as defined in Section III above, new or reconstructed Structures or Development that alters vegetation, interrupts sediment supply and/or changes the form or volume of a dune or beach, shall comply with the specific performance standards in this Bylaw and in the regulations promulgated pursuant hereto.*

The project complies with the bylaw.

## **Conclusion**

In conclusion, the project as proposed allows and increases the ability of the barrier beach and coastal dune to perform the important functions protected by the Wetland Protection Act and Newbury Wetlands Bylaw. As proposed, the project meets the performance standards of the Wetland Protection Act Regulations, 310 CMR 10.00 et seq. and the Newbury Wetlands Bylaw, Chapter 95.





**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

Newbury  
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 33rd Street (and a portion of 33rd St)</u> a. Street Address	<u>Newbury</u> b. City/Town	<u>01951</u> c. Zip Code
Latitude and Longitude:	<u>42.806590</u> d. Latitude	<u>-70.809260</u> e. Longitude
<u>U04</u> f. Assessors Map/Plat Number	<u>177</u> g. Parcel /Lot Number	

2. Applicant:

<u>Beth</u> a. First Name	<u>Quinn</u> b. Last Name	
<u>Sea Chanty, LLC</u> c. Organization		
<u>38 Hamilton Terrace</u> d. Street Address		
<u>Georgetown</u> e. City/Town	<u>MA</u> f. State	<u>01833</u> g. Zip Code
<u></u> h. Phone Number	<u></u> i. Fax Number	<u></u> j. Email Address

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

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

4. Representative (if any):

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

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

<u>110.00</u> a. Total Fee Paid	<u>42.50</u> b. State Fee Paid	<u>67.50</u> c. City/Town Fee Paid
------------------------------------	-----------------------------------	---------------------------------------



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
Newbury
City/Town

## A. General Information (continued)

6. General Project Description:

Install driveway to provide on site parking and associated work within a small section of 33rd Street

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:

Sea Chanty, LLC

a. County

35753

c. Book

b. Certificate # (if registered land)

94

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newbury  
City/Town

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	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.



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

Newbury

City/Town

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input 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	1640 (includes plantings) 1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	820 1. square feet	

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

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

5.  Project Involves Stream Crossings

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



Massachusetts Department of Environmental Protection  
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	
Newbury	
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).

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

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

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

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

- August 1, 2021  
b. Date of map

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

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

- Percentage/acreage of property to be altered:
 

(a) within wetland Resource Area	<u>&lt;4%</u>
	percentage/acreage
(b) outside Resource Area	_____
	percentage/acreage

- Assessor's Map or right-of-way plan of site

- 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 \*\*
  - Project description (including description of impacts outside of wetland resource area & buffer zone)
  - Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

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

## 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

Newbury

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

**D. Additional Information**

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

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

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newbury

City/Town

## D. Additional Information (cont'd)

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

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

Site Plan

a. Plan Title

Oak Consulting Group

Sean Malone, PE

b. Prepared By

c. Signed and Stamped by

5/13/2022

1" = 10'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

179

7/5/2022

2. Municipal Check Number

3. Check date

180

7/5/2022

4. State Check Number

5. Check date

Sea Chanty, LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Newbury

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.

*Brian J. Orman*  
1. Signature of Applicant

7/5/22  
2. Date

3. Signature of Property Owner (if different)

*[Signature]*  
5. Signature of Representative (if any)

4. Date  
7/5/2022  
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.



**Approved**

**TOWN OF NEWBURY  
SELECT BOARD**

**MINUTES**

**DATE:** June 14, 2022

**PRESENT:** **Select Board:** Chair Alicia Greco; Clerk Dana Packer; Geof Walker; Gerry Heavey

**Staff:**

Tracy Blais, Town Administrator  
Julie O'Brien, Executive Administrator  
Martha Taylor, Town Planner  
Patty Fisher, Deputy Police Chief

**Speakers:**

Tom Hughes – Hughes Environmental Consulting

**Call to Order:**

At 7:00 p.m. Chair Alicia Greco called the meeting to order with a salute to the flag

**Motion:** G. Walker moved to open the meeting seconded D. Packer, and voted unanimously

**Public Comment**

David Maida 61 Larkin Road, addressed the article in the Daily News last week regarding the opening of Larkin Road. Stated he was quoted in article and wanted to comment on that. Stated safety is his number one concern. Discussed why they proposed the gate. Mentioned road will become a high traffic short cut with unlimited weight capacity. Further mentioned the current construction trucks, they are heavy, cannot stop quickly and take up the whole road. Commented spoke with Fire Department on Central and asked how many emergency calls they receive on Larkin Road, reported a few times a year. Provided statistics 31 homes on Larkin Road, 10 of 31 purchased homes after, road was closed. Georgetown, 9 closest to culvert were built after 1983, now adding 10 more homes. Mentioned laws cited by the Town from the 1800's does not apply to current situation. Feels this is not reopening a public way and restoring what was there before it is creating a whole new situation in his opinion. Reiterated his conversation with the paper was all about safety.

Justin Londergan, 38 Larkin Road, mentioned Gerry Heavey asked for item to be on agenda tonight and that didn't happen so stated would use this time as efficiently as he could. Stated Select Board left the fate of Larkin Road to annual Town Meeting and turn over to the Will of the People and at town meeting the people spoke. Stated will of the people ignored. Stated this situation has become far bigger than Larkin Road. Said this is about honoring the vote. Thanked everyone for their support on their petition he launched four days ago. Spoke to MGL Part 1, Title 7, Chap 39, Section 10. Stated he has over 300 signatures on petition to request a Special Town Meeting. Stated was the first Special Town Meeting to be called in Newbury's 386-year history. Asked the Chair to accept this as a formal receipt of request to hold a Special Town Meeting.

There was discussion regarding who should receive the petition first, Select Board or Town Clerk. The Town Clerk must certify all the signatures on the Petition.

Jack Rybicki, 37 Larkin Road, stated his understanding of the process. Because petition was requesting a Special Town Meeting, needs formal acceptance from the Select Board, then goes to Town Clerk for verification and then the clock starts ticking.

**Motion:** A. Greco moved to accept the Special Town Meeting seconded, G. Walker and voted unanimously

### **Board and Committee Reports**

Report of Chair Greco:

Signed VW22-25, Staples.  
Signed VW22-26, North of Boston  
Signed PR22-24, Julie O'Brien

Chair Greco reported the Eagle Scout project on Central Street was complete, the flag pole is up

Mentioned Newbury Town Day takes place be June 18<sup>th</sup> and read a list of activities

### **Grants, Gifts & Donations**

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

None

### **Public Hearings:**

None

### **New Business:**

Renew Business License – Geraldine Dorr (Geraldine Madigan-Dorr Trust), dba Wheelhouse Parking, 49 Northern Blvd., parking lot, popcorn machine, slush machine/water

**Motion:** G. Walker moved to approve the business license renewal seconded D. Packer, and voted unanimously

Discussion: none

Request for Public Property Use – American Hand Fire Engine Society, Newbury Green, Old Fashion Fireman's Muster

**Motion:** G. Walker moved to approve the Public Property Use request, seconded D. Packer and voted unanimously

**Motion:** G. Heavey moved to waive umbrella insurance and have participants sign a consent and release form seconded G. Walker, and voted unanimously

Discussion: Discussion ensued

One Day Liquor License – BCAC, Newbury Town Day Rev Up Concert, June 18, 2022

**Motion:** G.Walker moved to approve the One Day Liquor License seconded G. Heavey, and voted unanimously

Discussion: None

One Day Liquor License – North Shore Bartending, Wedding at Governor’s Academy, June 18, 2022

**Motion:** G. Walker moved to approve the One Day Liquor License seconded G. Heavey, and voted unanimously

Discussion: Discussion ensued

Request to grant permission to file a Notice of Intent with the Conservation Commission

**Motion:** G. Walker moved that the Board authorize the filing of a Notice of Intent for work to be done in 33<sup>rd</sup> Street by Sea Chanty LCC or their representative, so long as Right of Entry is entered into by the Applicant at the time work is to be undertaken and so long as the road is restored to its prior condition, seconded D. Packer, and voted unanimously

Discussion: Tom Hughes with Hughes Environmental Consulting provided details to the Board regarding 3, 33<sup>rd</sup> Street. Provided an aerial shot showing where the proposed driveway will be. Displayed a site plan to provide a visual to the Board. Stated needs the Boards permission to file a Notice of Intent with the Conservation Commission. Entertained questions from the Board members.

Discussion: Discussion ensued

Review, approve, and sign – FY23 Appointments

### **Select Board FY23 Appointments**

#### **Agricultural Commission** (3 year term) 7/1/22 – 6/30/25

- John Nutile

Motion: G. Walker moved to approve the agricultural appointment seconded D. Packer, and voted unanimously

Discussion: None

#### **Border to Boston Trail Committee** (1 year term) 7/1/22 – 6/30/23

- Martha Taylor
- Steve Fram
- Cynthia Raschke
- Ted Russell

Motion: G. Walker moved to approve the Border to Boston appointments seconded D. Packer, and voted unanimously

Discussion: None

#### **Conservation Commission** (3 year term) 7/1/22 – 6/30/25

- Anthony Conte
- Robert Connors
- Dianne O'Brien

Motion: G.Walker moved to approve the Conservation Commission appointments seconded D. Packer, and voted unanimously

Discussion: None

**Council on Aging** (1,2,3 term) 7/1/22 – 6/30/23

- Damon Jespersen
- Susan Grillo

Motion: G. Walker moved to approve the COA appointments seconded D. Packer, 3 in favor, 1 opposed, the motion passes

Discussion: None

**Cultural Council** (3 year term) 7/1/22 – 6/30/25

- Bart Bracken

Motion: G. Walker moved to approve the Cultural Council appointment seconded D. Packer, and voted unanimously

Discussion: None

**Executive Administrator to the Select Board** (1 year term) 7/1/22 – 6/30/23

- Julie O'Brien

Motion: G. Walker moved to approve the Executive Administrator to the Select Board appointment seconded D. Packer, and voted unanimously

Discussion: None

**Election Workers** 6-14-22 to 12-31-22

- Richard Keys, 38 Parker St.
- Barbara Murray, 12 Columbia Way

Motion: G. Walker moved to approve the election worker appointments seconded D. Packer, and voted unanimously

Discussion: None

**Finance Committee** (3 year term) 7/1/22 – 6/30/25

- Eugene Case



- Thomas Howard
- Marshall Jespersen
- Susan Noyes

Motion: G. Waller moved to approve the finance committee appointments seconded D.Packer and voted unanimously for Eugene Case, Thomas Howard and Marshall Jespersen. 3 voted in favor and 1 opposed for Susan Noyes

Discussion: Discussion ensued

**Historical Commission** (3 year term) 7/1/22 – 6/30/25

- Jan Forrest
- Eva Jackman

Motion: G. Waller moved to approve the Historical Commission appointments seconded G. Heavey, and voted unanimously

Discussion:

**Human Resource Board** (3 year term) 7/1/22 – 6/30/25

- Diane Doyle
- John Nelson Ferrara
- Anthony Antico

Motion: G. Walker moved to approve the Human Resource Board appointments seconded D. Packer, and voted unanimously

Discussion: None

**Merrimack Valley Planning** (1 year term) 7/1/22 – 6/30/23

- Martha Taylor/Commissioner (Planning Board vote 6/1/22)
- Lawrence Murphy/Alternate Commissioner (Planning Board vote 6/1/22)

Motion: G. Walker moved to approve the MVP appointments seconded D.Packer, and voted unanimously

Discussion: Discussion ensued

**Municipal Vulnerability Task Force** (1 year term) 7/1/22 – 6/30/23

- Tracy Blais
- Douglas Janvrin, Jr.
- John Lucey
- Peter Binette
- John O'Connell
- Samantha Holt
- Deborah Rogers
- James Sarette
- Martha Taylor

- Geoffrey Walker

Motion: D. Packer moved to approve the MV Task Force appointments seconded G. Heavey, 3 votes in favor, 1 abstained the motion passes

Discussion: M. Taylor, Town Planning Director, provided information regarding the purpose of the Task Force

**Newbury Improvement Trust Fund Trustees** (1,2,3 year term)

- Lynn Kettleison – 7/1/22 – 6/30/23

Motion: G. Walker moved to approve the Newbury Improvement Trust Fund Trustees appointment seconded D.Packer, and voted unanimously

Discussion: None

**Open Space Committee** (1 year term) 7/1/22 – 6/30/23

- Martha Taylor
- Mike Carbone
- McDonough Scanlon

Motion: G. Walker moved to approve the Open Space Committee appointments seconded D. Packer, and voted unanimously

Discussion: None

**Planning Board Associate Member** ( 1year term) 7/1/22 – 6/30/23

- Mary Stohn (Planning Board vote 6/1/22)

Motion: G. Walker moved to approve the Planning Board Associate Member appointment seconded D. Packer, and voted unanimously

Discussion: None

**Recreation Committee** (1 year term) 7/1/22 – 6/30/23

- Mark Sandt
- Mary Anastasio
- JR Colby – Select Board Rep.
- Cindy Currier – COA Rep
- Ben Norton – Triton High School Rep

Motion: G. Walker moved to approve the Recreation Committee appointments seconded D. Packer, and voted unanimously

Discussion: None

**Special Municipal Employee Consultant to the Town** (1year term) 7/1/22 – 6/30/23

- Timothy Meehan
- Thomas Hughes

Motion: G. Walker moved to approve the Special Municipal Employee Consultant to the Town appointments seconded G. Heavey, and voted unanimously

Discussion: None

**Town Counsel** (3 year term) 7/1/22 – 6/30/25

- Mead, Talerman & Costa

Motion: G. Walker moved to approve the Town Counsel appointment seconded D. Packer, 3 votes in favor, 1 opposed the motion passes

Discussion: Discussion ensued

**Zoning Board of Appeals** (3 year term)

- Eric Svahn (3 year term) 7/1/22 – 6/30/25
- Jack Kelly - Associate Member (1 year term) 7/1/22 – 6/30/23
- Michelle Weidler – Associate Member (1 year term) 7/1/22 – 6/30/23

Motion: G. Walker moved to approve the Zoning Board of Appeals appointments seconded D. Packer, and voted unanimously

Discussion: none

**Police Department**

**(1 year term) 7/1/22 – 6/30/23:**

- Brad DiCenzo – Reserve Police Patrolman
- Theodore Dillion – Reserve Police Patrolman
- Peter Forgione – Reserve Police Patrolman
- Carol Larocque – Animal Control Officer & Animal Inspector
- Martha Leahy – Administrative Assistant
- Martha Leahy – Police Department Chaplain
- Michael Mailhot – Reserve Police Patrolman
- Roger Merry – Special Police Officer
- Jay Routhier – Special Police Officer
- James Velonis – Reserve Police Patrolman
- Reed Wilson – Assistant Animal Control Officer

Motion: G. Walker moved to approve the 1 year police appointments seconded D. Packer and voted unanimously

Discussion: Patty Fisher, Deputy Chief of Police, provided definitions of Reserve and Special police officer

**Police Departement**

**(3 year term) 7/1/22 – 6/30/25**

- John Baker – Full Time Police Patrolman
- Jason daCunha – Police Sergeant
- Nathan Hunter – Full Time Police Patrolman
- Douglas Janvrin, Jr - Deputy EMD
- Stephen Jenkins – Police Sergeant
- John Lucey III – Full Time Police Patrolman
- Alexander MacMullen – Full Time Police Patrolman
- Mark Smigielski – Police Sergeant
- Stephen Smith – Full Time Police Patrolman
- Aaron Wojtkowski – Police Detective Sergeant

Motion: G. Walker moved to approve the 3-year police appointments seconded D. Packer, and voted unanimously

Discussion: None

**Town Administrators Report**

**Shellfish Constable**

- Paul Thistlewood has been hired to fill the Full time DPW Laborer position leaving the Shellfish Constable position vacant
- I have been in contact with the Chairman of the Shellfish Commission and we will be working with Chief Lucey to review the existing position to consider consolidating it with other municipal functions before advertising the role
- In the meantime, Chief Lucey has informed me that he has been in touch with the MA Environmental Police Agency and informed them of the vacancy. In order to assure compliance, they will be assisting us with patrolling our clam flats until a new enforcement official is hired.

Discussion: Deputy Chief Patty Fisher offered some information regarding the topic

**Library**

- Has been painted and has had the carpets replaced

**Senior Center**

- Majority of the work has been completed and we have been handed the keys
- Waiting for furniture before we can officially transition the majority of the operation to the new location

**Conservation Agent is working on grant funding for the Larkin Dam Removal Project**

**Paving Continues**

- Portion of Elm and Central Streets; beginning at Elm St from School St to the Georgetown line
- Central St from School St to Elm St

**Finance Department**

- Efforts will be focused on the closing of the fiscal year which ends on June 30<sup>th</sup>

**Newbury Town Day is Saturday June 18<sup>th</sup>**

- Byfield Fire Company will be celebrating their 100<sup>th</sup> anniversary with an open house from 12-4pm with a food truck, bounce house and a touch a truck event. Newbury Fire Station on Morgan Ave will also be holding their touch a Truck event from 12-1:30pm

### **Old Business**

None

### **Correspondence**

Letter from Xfinity regarding revised information

Letter from Xfinity regarding changes to service

### **Meeting Updates**

None

### **Review of Meeting Minutes**

Draft Meeting Minutes 5/24/22 for approval

**Motion:** G. Walker moved to approve the draft meeting minutes seconded G. Heavey, and voted unanimously

Discussion: None

### **Warrants**

PR2224

PRVW2224

VW2225

PR2223

VW2225A

VW2224

VW2224A

PRVW2223

**Motion:** A. Greco moved to sign the warrants seconded G. Walker and voted unanimously

Discussion: None

### **Executive Session:**

**Motion:** G. Walker moved, Pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) to review for approval and release the following executive session minutes in accordance with Chapter 30A, §§ 22(f) and (g) and to reconvene in open session to vote whether to approve and release said minutes:

Executive session on February 23, 2021 pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to discuss strategy regarding litigation to wit Seacoast Canine, LLC and Jennifer Ford v. Town of Newbury Zoning Board of Appeals, et al, Land Court 21 MISC 00067, concerning property at 35 Downfall Road, and subject to the Chairperson's declaration that the holding of a discussion on this matter in open session would be detrimental to the public interest and would have a detrimental effect on the Town's litigation position.

Second: G. Heavey

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Yes

Gerry Heavey – Yes

**Motion:** G. Waller moved to approve the February 23, 2021 Executive Session minutes

Second: G. Heavey

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Abstained

Gerry Heavey – Yes

**Motion:** G. Heavey moved to release the February 23, 2021 Executive Session minutes

Second: G. Walker

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Abstained

Gerry Heavey - Yes

### **Adjourn**

**Motion:** At 8:06 p.m. G. Walker moved to adjourn, seconded D. Packer and vote unanimously

Discussion: None

Respectfully submitted,

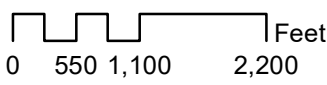
Julie O'Brien

Executive Administrator

3 33rd Street, Newbury, MA  
USGS Location Map



Prepared by Hughes Environmental Consulting, Data Source MassGIS



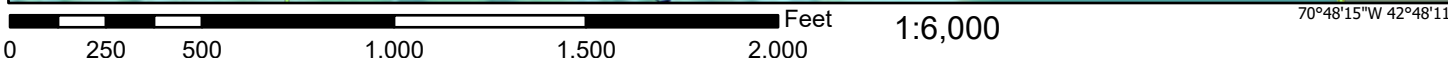
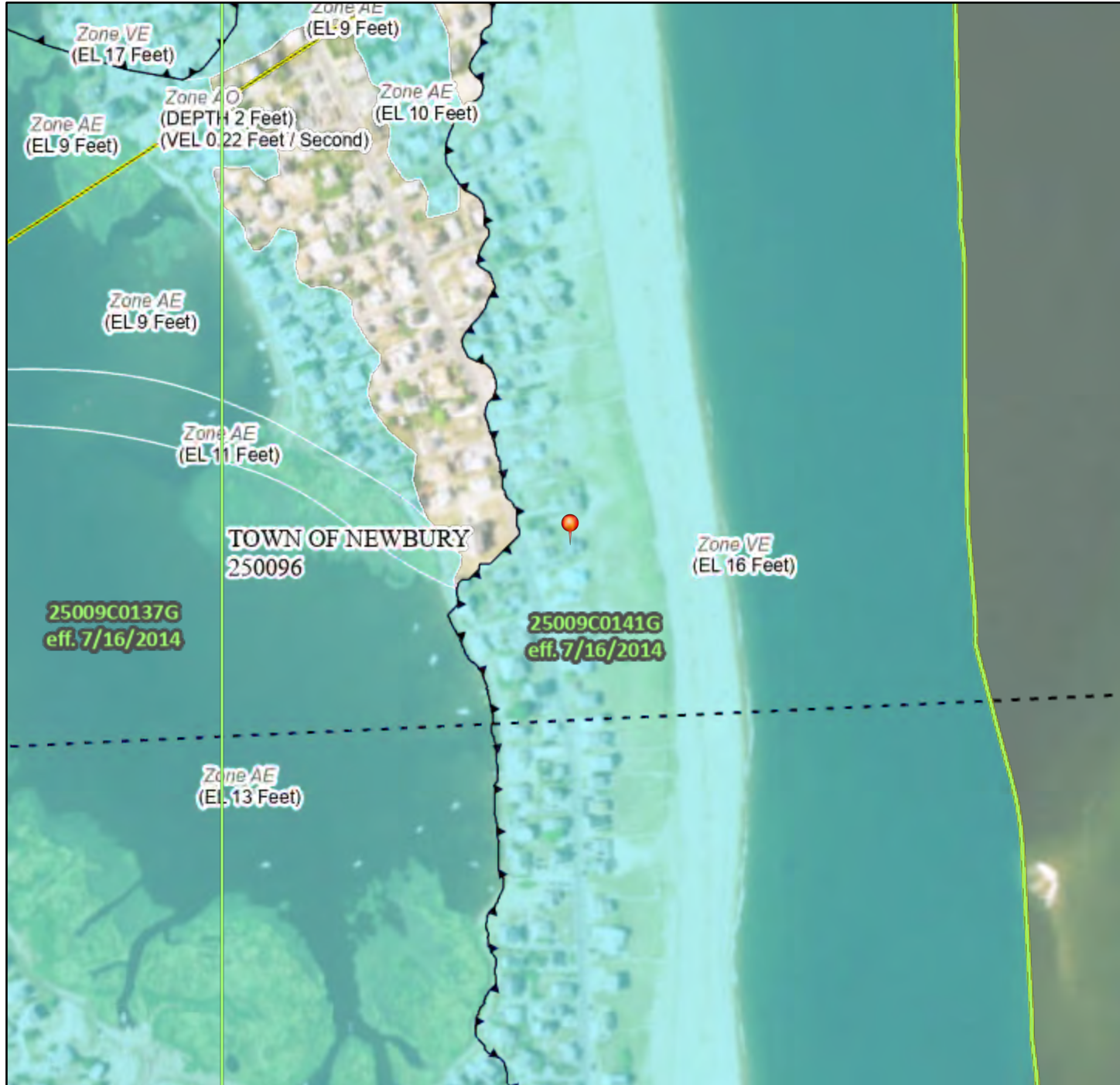




# National Flood Hazard Layer FIRMMette



70°48'52"W 42°48'37"N



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

## Legend

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

<b>SPECIAL FLOOD HAZARD AREAS</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #ff0000 2px, #ff0000 4px); border: 1px solid black; margin-right: 5px;"></span> Regulatory Floodway</li> </ul>
<b>OTHER AREAS OF FLOOD HAZARD</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black; margin-right: 5px;"></span> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #cccccc 2px, #cccccc 4px); border: 1px solid black; margin-right: 5px;"></span> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #ffcc99 2px, #ffcc99 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #ffcc99 2px, #ffcc99 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Flood Risk due to Levee <i>Zone D</i></li> </ul>
<b>OTHER AREAS</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffffff; border: 1px solid black; margin-right: 5px;"></span> NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid blue; margin-right: 5px;"></span> Effective LOMRs</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black; margin-right: 5px;"></span> Area of Undetermined Flood Hazard <i>Zone D</i></li> </ul>
<b>GENERAL STRUCTURES</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Channel, Culvert, or Storm Sewer</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed gray; margin-right: 5px;"></span> Levee, Dike, or Floodwall</li> </ul>
<b>OTHER FEATURES</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> <span style="font-size: 8px;">B</span> 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> 17.5 Coastal Transect</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed gray; margin-right: 5px;"></span> Base Flood Elevation Line (BFE)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Limit of Study</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Jurisdiction Boundary</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Coastal Transect Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Profile Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Hydrographic Feature</li> </ul>
<b>MAP PANELS</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> No Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Unmapped</li> </ul>

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

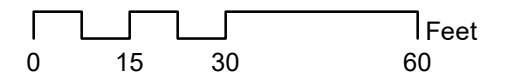
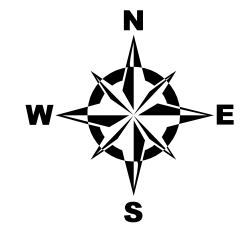
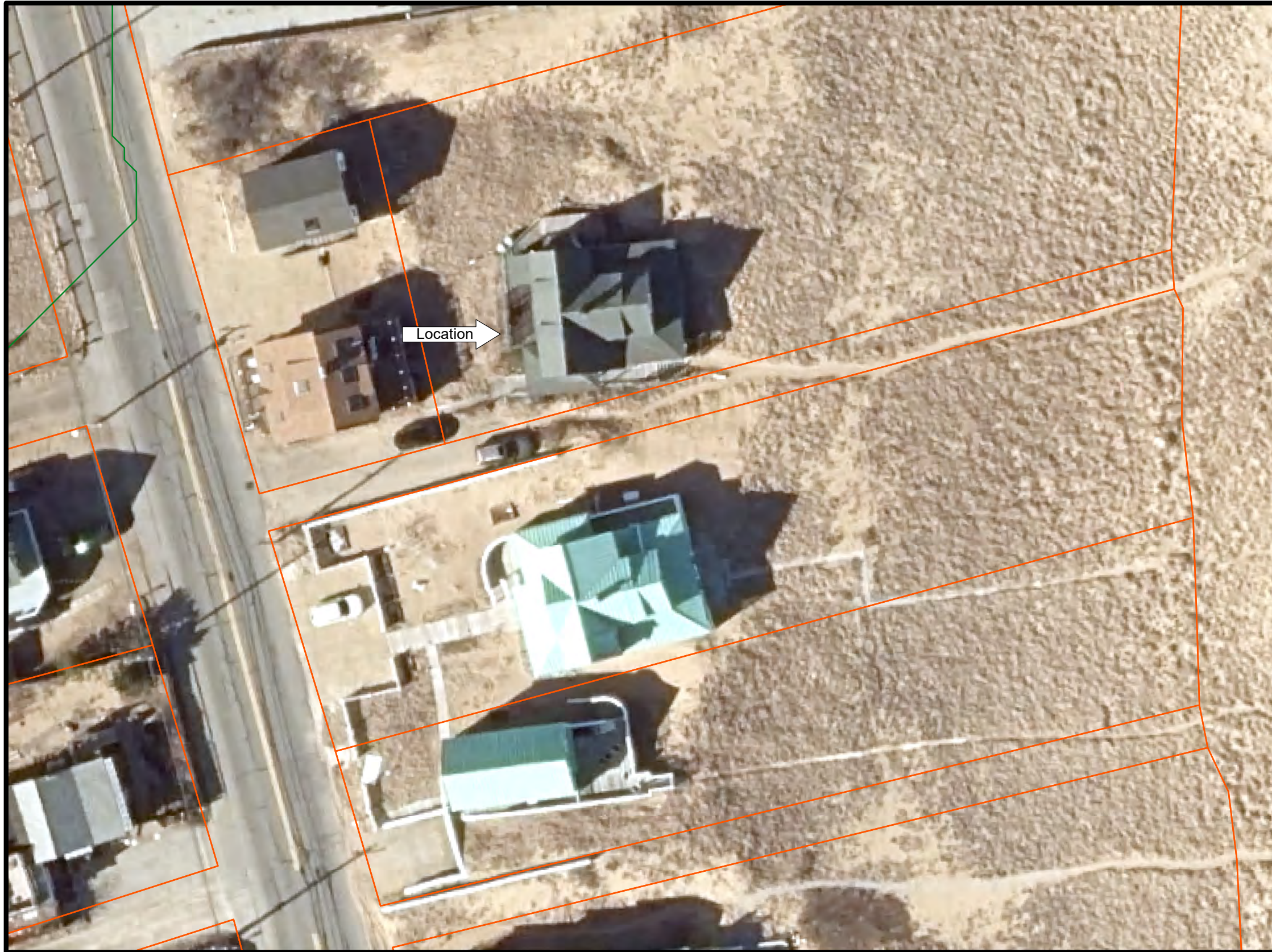
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **7/7/2022 at 11:12 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



3 33rd Street  
2021 Orthophoto





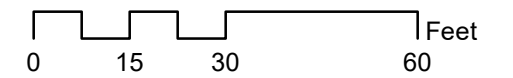
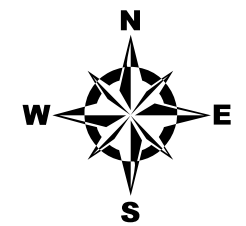




2021 Orthophoto  
with NHESP  
3 33rd Street  
Newbury, MA

**Legend**

-  NHESP Estimated Habitat
-  NHESP Priority Habitat





# 3 33rd Street — Site Photos



Right of Way to be improved for safe turnaround



Area for proposed driveway, steps to be adjusted.



Sand areas to be planted to supplement existing vegetation



Remnant lawn to right surrounds planting beds, dune grass to left



View from north towards proposed driveway



From East towards work area in distance





# Town of Newbury Abutters List

Subject Parcel ID: **ABUTT**

Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
U04-0-174	4 35TH ST	SHEEHAN TTEE TIMOTHY P	TIMOTHY P SHEEHAN LIVIN	4 35TH ST	NEWBURY	MA	01951
U04-0-176	108 NORTHERN BL	CHRISTINE ELIZABETH MORRIS TI	CHRISTINE E MORRIS	106 NORTHERN BLVD	NEWBURY	MA	01951
U04-0-177	3 33RD ST	SEA CHANTY LLC		38 HAMILTON TERRACE	GEORGETOWN	MA	01833
U04-0-178	106 NORTHERN BL	CHRISTINE ELIZABETH MORRIS TI	MORRIS TTEE CHRISTINE E	106 NORTHERN BLVD	NEWBURY	MA	01951
U04-0-179	104 NORTHERN BL	OLIVER TRUST	DUMONT GABRIEL O. JR	106 NORTHERN BOULEVARD	NEWBURYPORT	MA	01950
U04-0-5	105 NORTHERN BL	URZI TRUSTEE ROBERT	DRIFTWOOD 77 RLTY TR	105 NORTHERN BLVD	NEWBURY	MA	01951
U04-0-6	107 NORTHERN BL	SELVITELLA HENRY A	SELVITELLA DEBORAH G	107 NORTHERN BL	NEWBURY	MA	01951
U04-0-8	111 NORTHERN BL	MUELLER SCOTT A	MUELLER LESA A	111 NORTHERN BLVD	NEWBURY	MA	01950

Parcel Count: **8**

**End of Report**

CERTIFIED ABUTTERS LIST

TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 333rd St. P.I.

PAGE 3 OF 4

7/6/22 SS

# HUGHES ENVIRONMENTAL CONSULTING

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

PO BOX 392, CONCORD MA 01742  
PHONE/FAX 978.369.2100

## Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Town of Newbury Bylaw, you are hereby notified of the following:

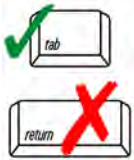
- A. The name of the applicant is: **Sea Chanty, LLC**
- B. The applicant has filed a **Notice of Intent** on (date): February 15, 2022 with the **Newbury Conservation Commission** requesting an **Order of Conditions** authorizing the following description of work: **to establish onsite parking and install a fence, along with associated work, including improvements in 33<sup>rd</sup> Street Right of Way**
- C. The address of the property and the Map/Lot(s) where the activity is proposed is: **3 33<sup>rd</sup> Street and the adjacent 33<sup>rd</sup> Street Right of Way in Newbury, Plum Island, Map U04, Lot 177**
- D. Copies of the Notice of Intent may be examined at the Newbury Conservation Commission, 12 Kent Way, Byfield, MA 01922 between the hours of 8:00 a.m. and 12:00 p.m. Monday through Thursday. Telephone (978) 465-0862 X304. There is a printing charge of twenty-five dollars (\$25.00). Architectural size plans shall incur an additional fee. Note access to municipal offices may be limited due to the COVID 19 state of emergency.
- E. Information regarding the date, time and place of the public hearing may be obtained from the Newbury Conservation Commission by calling (978) 465-0862 X304 A public hearing is currently scheduled for **July 19, 2022** at 12 Kent Way at 7:00 p.m – **note that the meeting is expected to be held remotely online.** You may contact the Newbury Conservation Commission to verify that the hearing is taking place and how to access it. Notice of the public hearing, including date/time/place will be posted at the Newbury Town Hall and the Town of Newbury's website [www.townofnewbury.org](http://www.townofnewbury.org) at least 48 hours in advance.
- F.

NOTE: For more information about this application and the Wetlands Protection Act you may contact the Massachusetts Department of Environmental Protection, Northeast Regional Office at (978) 694-3200 or email them at [NERO.Service@state.ma.us](mailto:NERO.Service@state.ma.us).



**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:

3 33rd Street (and a portion of 33rd St)	Newbury
a. Street Address	b. City/Town
180	42.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Beth	Quinn	
a. First Name	b. Last Name	
Sea Chanty, LLC		
c. Organization		
38 Hamilton Terrace		
d. Mailing Address		
Georgetown	MA	01833
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

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



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1	1	110.00	110.00
<b>Step 5/Total Project Fee:</b>			110.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			110.00
State share of filing Fee:			42.50
City/Town share of filing Fee:			67.50
			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

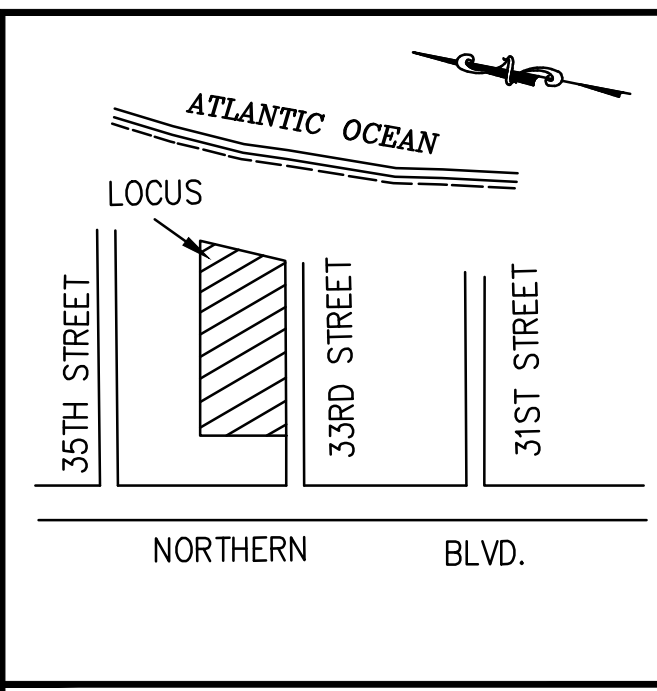
**C. Submittal Requirements**

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.)



**DEED REFERENCE:**  
 1.) TO: SEA CHANTY, LLC.  
 FROM: ANNE M. PROLI-CATALDO  
 DEED BOOK 35753 PAGE 94  
 DATED: MARCH 22, 2017  
 MAP U-04 PARCEL 177

**ZONING REQUIREMENTS:**

DISTRICT	AR & PIDO
MIN LOT AREA	40,000 S.F.
MIN LOT FRONTAGE	125 FT.
MIN YARDS	
FRONT	20 FT.
SIDE	10 FT.
REAR	10 FT.
MAX. HEIGHT	35 FT.

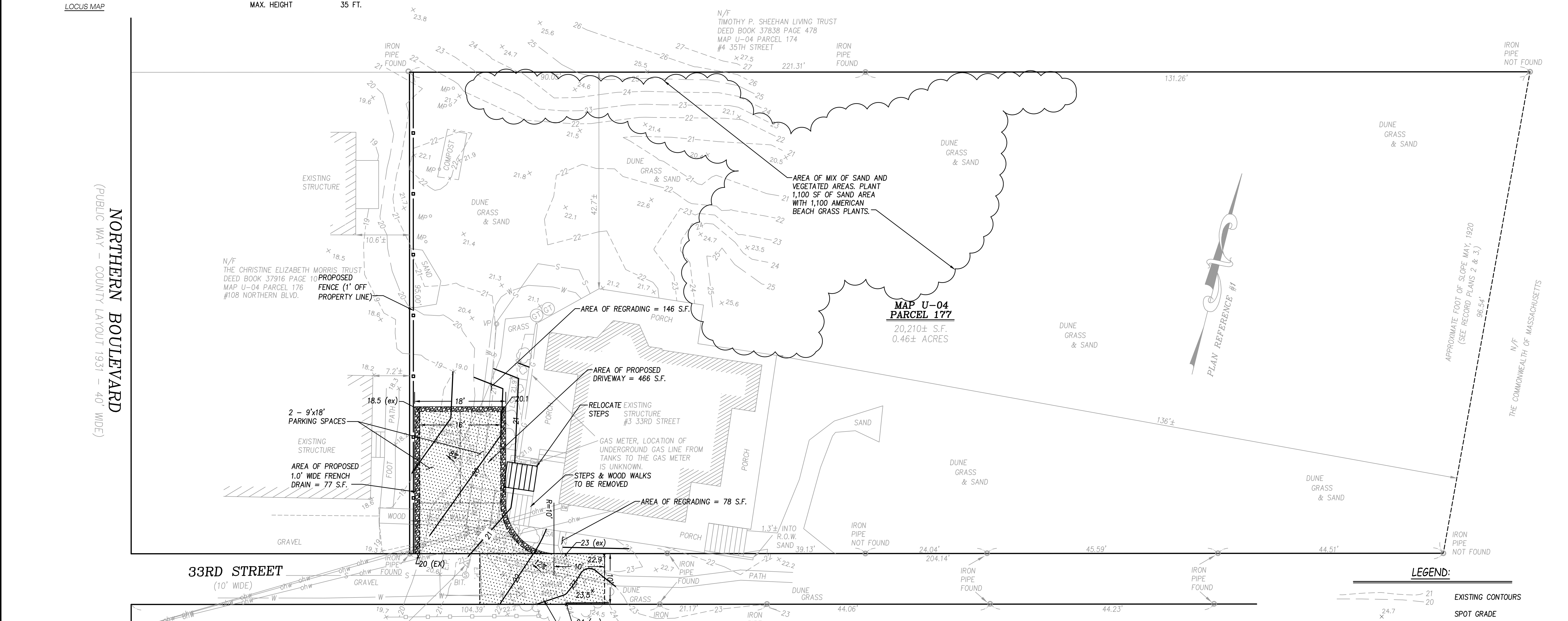
**CONSTRUCTION NOTES:**

- 1.) THE CONTRACTOR SHALL VERIFY/DETERMINE THE LOCATION AND DEPTH TO EXISTING WATER, SEWER AND GAS UTILITIES. THE WATER, SEWER AND GAS MAY REQUIRE RELOCATION, TO PROVIDE ADEQUATE COVER OVER PIPES DUE TO PROPOSED GRADING.
- 2.) SEE ADDENDUM BY HUGHES ENVIRONMENTAL.

Site:  
**Sea-Chanty/Cataldo**  
**Proposed Driveway**  
 #3 33rd Street  
 Map U-04 Parcel 177  
 Newbury, Massachusetts  
 Essex County

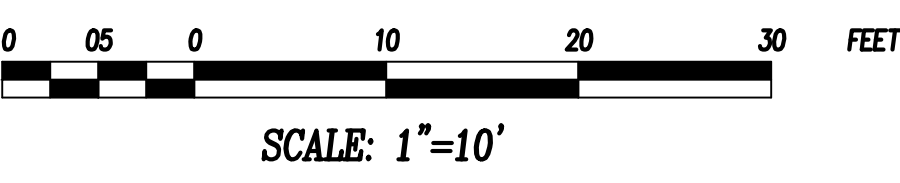
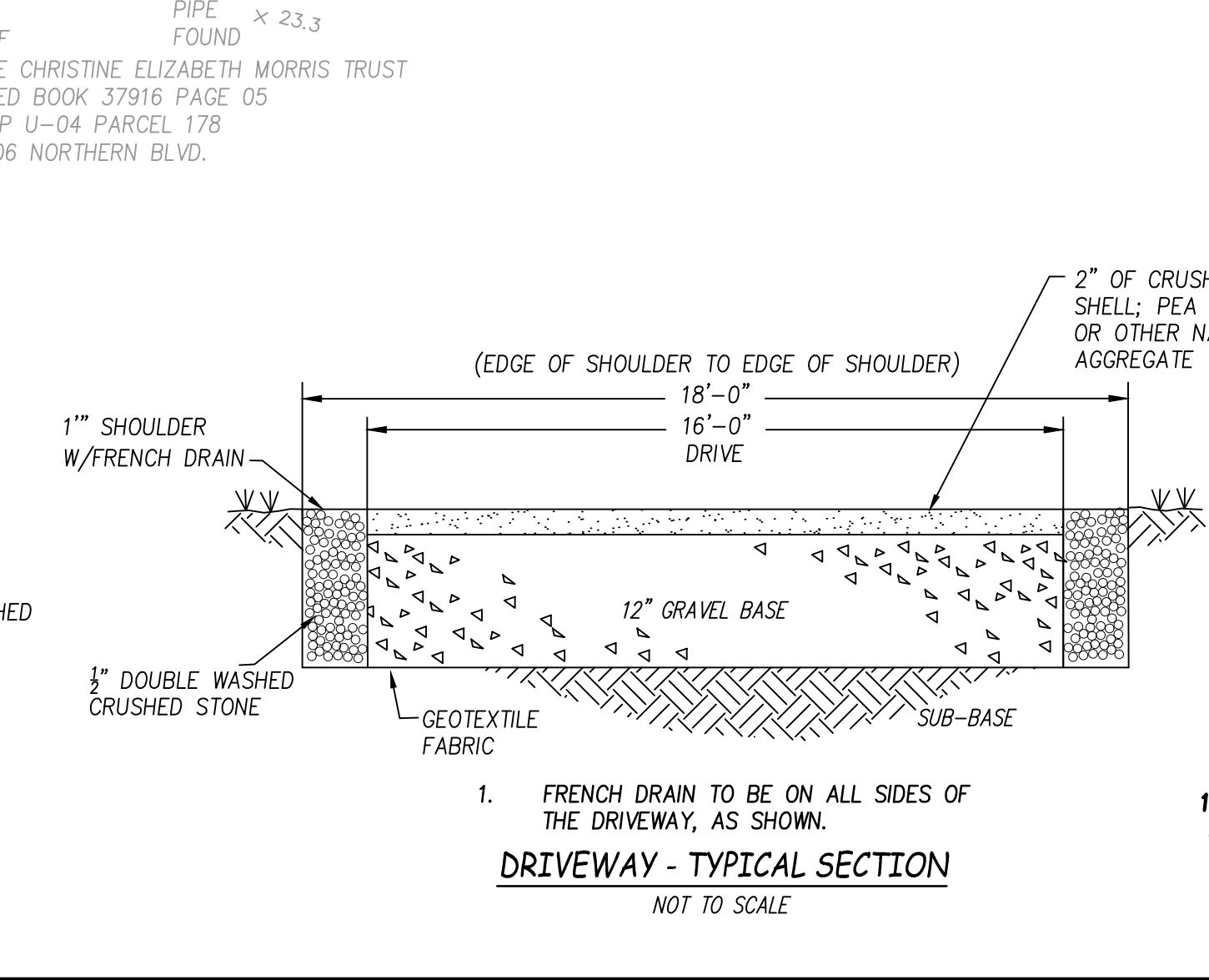
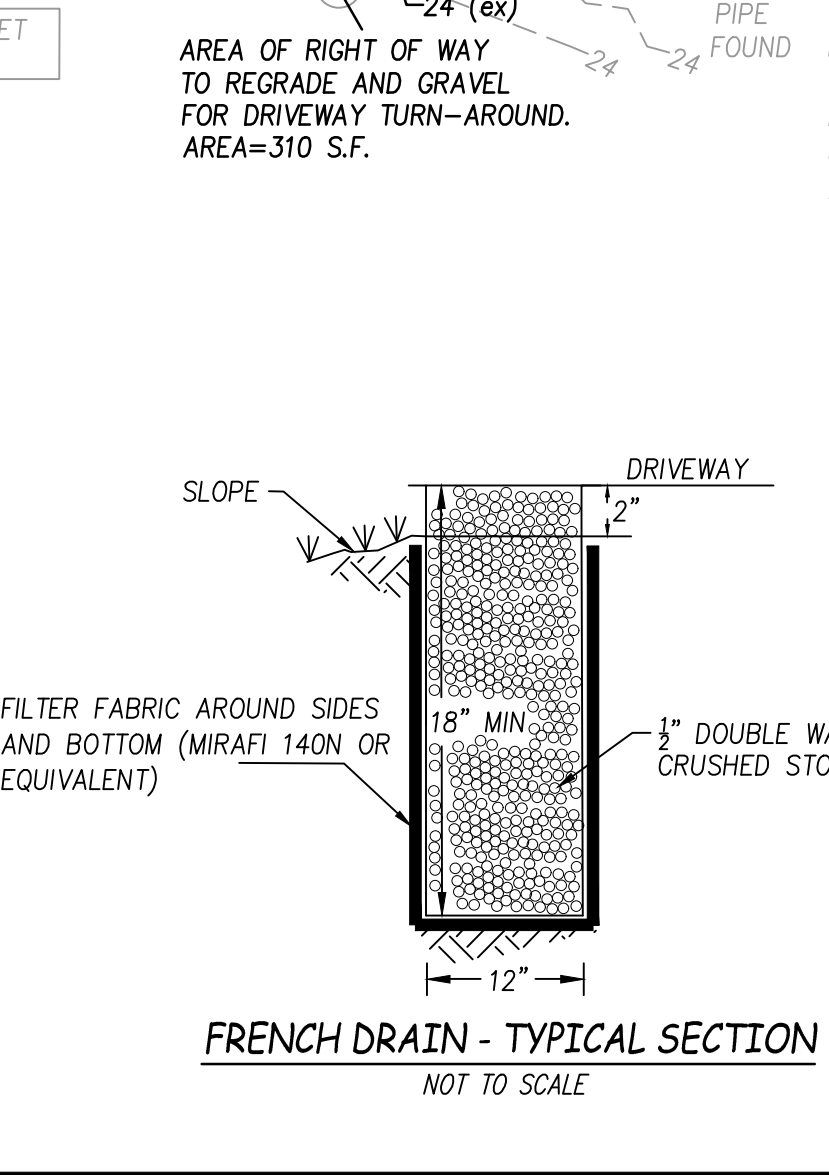
Prepared for:  
**Anne M. Proli-Cataldo**

5 Anchor Avenue  
 Newbury, Massachusetts 01951



- PLAN REFERENCES:**
- 1.) PLAN OF LAND IN NEWBURY, MA. PREPARED BY ARC SURVEYING & ENG., ASSOC., INC. PREPARED FOR ANNE CATALDO DATED: AUGUST 18, 2010 SCALE: 1" = 20' E.S.R.D. PLAN BOOK 458 PLAN 71.
  - 2.) PLAN OF PLUM ISLAND ROAD AND NORTHERN BOULEVARD FROM THE EASTERLY END OF PLUM ISLAND TURNPIKE TO THE NEWBURYPORT LINE AS LAID OUT BY ROBERT R. EVANS, COUNTY ENGINEER E.S.R.D. PLAN BOOK 60 PLAN 74 PLANS 1-5.
  - 3.) PLAN OF SECTION 1. OF LAND OF PLUM ISLAND BEACH CO. PREPARED BY ROWLAND H. BARNES & HENRY F. BEAL CIVIL ENGRS DATED: MAY 1920 SCALE: 1" = 100' E.S.R.D. PLAN BOOK 34 PLAN 7.
  - 4.) PLAN OF SECTIONS 1 & 2 OF LAND OF PLUM ISLAND BEACH CO. PREPARED BY ROWLAND H. BARNES & HENRY F. BEAL CIVIL ENGRS DATED: MAY 1920 SCALE: 1" = 100' E.S.R.D. PLAN BOOK 34 PLAN 22.
  - 5.) PLAN OF LAND ON PLUM ISLAND, NEWBURY, MA. SCALE: 1" = 20' DATED: JANUARY 5, 1987 PREPARED BY PEMBROKE LAND SURVEY CO. AS PREPARED FOR GLENDA L. BISSEX E.S.R.D. PLAN BOOK 224 PLAN 53.
  - 6.) PLAN OF LAND IN NEWBURY, MA. SCALE: 1" = 30' DATED: NOVEMBER 1, 1999 PREPARED BY MILLENNIUM ENGINEERING, INC. AS SURVEYED FOR LON G. SHERMAN E.S.R.D. PLAN BOOK 339 PLAN 92.
  - 7.) NEWBURY ASSESSORS MAP U-04.

- NOTES:**
- 1.) THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES.
  - 2.) VERTICAL DATUM NAVD 1988.
  - 3.) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 25009C0141C EFFECTIVE DATE: 7-16-2014. LOCUS IS IN A ZONE VE. BASE FLOOD VE ZONE ELEVATION IS 16.
  - 4.) THESE ARE THE EXISTING CONDITIONS AS OF SEPTEMBER 30, 2021.
  - 5.) THE WATER & SEWER ARE A COMBINATION OF FIELD LOCATION AND FROM SKETCHES PROVIDED BY THE CITY OF NEWBURYPORT. SKETCHES WERE INDECIPHERABLE AND PARTS THAT WERE, DID NOT MATCH WITH FIELD LOCATIONS.
  - 6.) THE CITY OF NEWBURYPORT COULD NOT PROVIDE THE RECORD PLANS FOR THE MAIN LINES OF THE WATER AND SEWER.
  - 7.) ABUTTING LANDS ARE ACCORDING TO THE TOWN OF NEWBURY ASSESSOR'S DEPARTMENT.



**LEGEND:**

21	EXISTING CONTOURS
20	SPOT GRADE
24.7	SHRUBS
ohw	OVERHEAD WIRE
G	GAS LINE
G	GAS METER
S	SEWER MANHOLE
S	SEWER LINE
W	WATER SHUTOFF
W	WATER VALVE
W	WATER LINE
W	WOOD FENCE
E.P.	EDGE OF PAVEMENT
<b>BUILDING</b>	
BIT.	BITUMINOUS SURFACE
WP/MP	BOLLARD/POST WOOD OR METAL
VP	VENT PIPE (SEWER)
LSA	LANDSCAPE AREA
GT	PROPANE GAS TANKS
EM	ELECTRIC METER
36	CONTOUR GRADE
x20	

**PROPOSED LEGEND:**

**OCG**  
 Oak Consulting Group  
 P.O. Box 1123  
 Newburyport, MA 01950  
 Ph. 978.312.3120

**SITE PLAN**

No.	Revision/Issue	Date

Design by:	SPM	Checked by:	PFA
Drawn by:	SPM	Approved by:	PFA
Project:	21036	Date:	May 13, 2022
Sheet:	<b>C-001</b>		

