

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Chilmark
Conservation Commission

To: Applicant

Quitsa Nominee Trust
 Name
c/o VLS PO Box 421
 Mailing Address
West Tisbury MA 02575
 City/Town State Zip Code

Property Owner (if different from applicant):

 Name

 Mailing Address

 City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

<u>Septic Plan</u>	<u>10/5/22</u>
Title	Date
<u>Site Plan</u>	<u>3/15/23</u>
Title	Date
<u>Wetland Delineation Report</u>	<u>3/12/23</u>
Title	Date

2. Date Request Filed:

1/19/23

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

confirmation of resource delineation

Project Location:

Off Chockers Lane
 Street Address
33
 Assessors Map/Plat Number

Chilmark
 City/Town
8
 Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

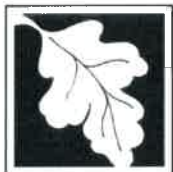
- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on
- by certified mail, return receipt requested on

3/23/23

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

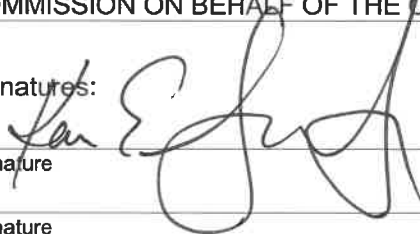
This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Authorization (cont.)

PER VOTE OF THE CONSERVATION COMMISSION (10/20/2020), THE CONSERVATION AGENT IS AUTHORIZED TO SIGN DOCUMENTS THAT HAVE BEEN ISSUED BY THE CONSERVATION COMMISSION ON BEHALF OF THE COMMISSIONERS UNTIL IN-PERSON MEETINGS RESUME.

Signatures:		
Signature		Kara E Shemeth Printed Name
Signature		Printed Name
Signature		Printed Name
Signature		Printed Name
Signature		Printed Name
Signature		Printed Name
Signature		Printed Name

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Request for Departmental Action Fee Transmittal Form

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

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

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Chockers Lane, Chilmark

3.12.23



Wetland Delineation Field Data Form

Prepared by: Ryan Silva

Project location: Chockers Ln, Chilmark MA

Date: 3/12/23

Delineation Notes: 30 Flags.

Transition from wetland to upland relatively clear.

Section 1: Vegetation Notes

- Transition zone dominated by arrowwood, grape, briar on the upland side of the delineation, pepperbush spanning upland and wetland, and winterberry and high tide bush dominant on the wetland side. There is an unidentified dominant shrub in the wetland incursion between flags 20-25 that I think is clammy azalea (Fac wet).

Section 2: Indicators of Hydrology

1. Soil Survey:
 - Is there a published soil survey? Yes
 - Source of soil survey: NRCS websoil survey
 - Soil type mapped:
 - i. 382C—Nantucket sandy loam
 - ii. 64A—Pawcatuck and Matunuck mucky peats,
 - Are field observations consistent with soil survey? Yes
 - Soil survey notes: Resolution of the survey does not capture all areas with hydric soils.

2. Soil description: Representative soil profile

Horizon	Depth	Matrix Color	Mottles Color
O	0-1	10yr 2/2	
A	1-6	10yr 2/1	
B	6-10+	10yr 6/1	

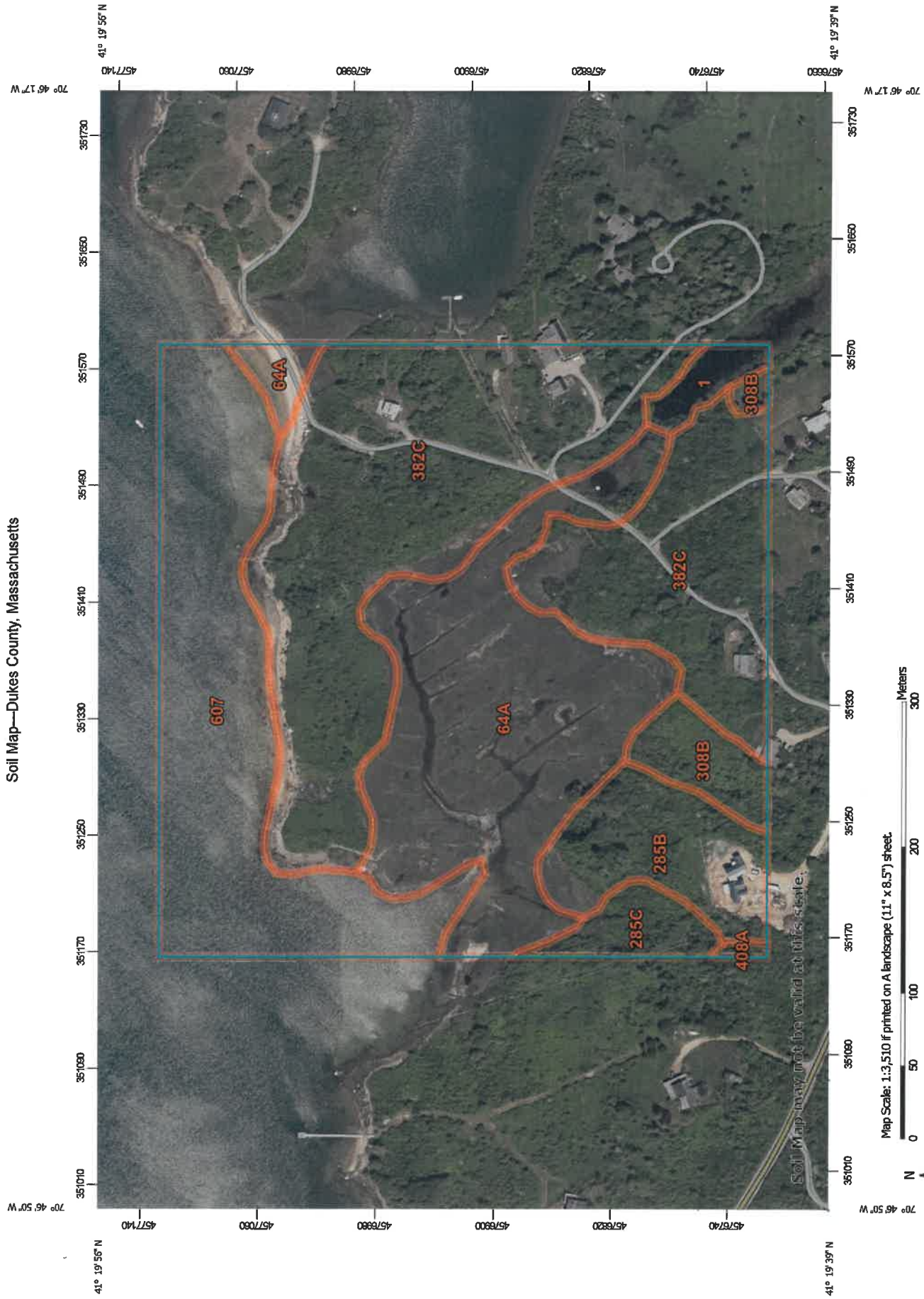
Conclusion and Notes: Is the soil hydric? Yes, S7 – dark surface

3. Other indicators of hydrology: southern delineation salt march, drift lines. Northern side beach and eroded shoreline. Wetland flags 20-25 standing water, depressions, exposed roots.






































Section 3: Vegetation and Hydrology Conclusion

	Yes	No
# of wetland indicator plants > non-wetland indicator plants	X	
Hydric soil present	X	
Other hydrology indicators present	X	
Sample location is in a BVW	X	

Soil Map—Dukes County, Massachusetts



MAP LEGEND

-  Area of Interest (AOI)
-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dukes County, Massachusetts
 Survey Area Data: Version 19, Sep 9, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 10, 2022—Jun 30, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1	Water	0.6	1.4%
64A	Pawcatuck and Matunuck mucky peats, 0 to 2 percent slopes, very frequently flooded	10.4	24.0%
285B	Eastchop loamy sand, 3 to 8 percent slopes, very stony	2.9	6.8%
285C	Eastchop loamy sand, 8 to 15 percent slopes, very stony	1.0	2.4%
308B	Moshup loam, 3 to 8 percent slopes	1.3	3.0%
382C	Nantucket sandy loam, 8 to 15 percent slopes, very stony	17.5	40.6%
408A	Pompton sandy loam, 0 to 3 percent slopes	0.1	0.2%
607	Water, saline	9.3	21.5%
Totals for Area of Interest		43.2	100.0%

Dukes County, Massachusetts

382C—Nantucket sandy loam, 8 to 15 percent slopes, very stony

Map Unit Setting

National map unit symbol: 98xl
Elevation: 0 to 1,000 feet
Mean annual precipitation: 41 to 48 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 175 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nantucket and similar soils: 74 percent
Minor components: 26 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nantucket

Setting

Landform: Moraines
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Friable coarse-loamy eolian deposits over dense loamy lodgment till

Typical profile

H1 - 0 to 4 inches: sandy loam
H2 - 4 to 20 inches: sandy loam
H3 - 20 to 60 inches: sandy loam

Properties and qualities

Slope: 8 to 15 percent
Surface area covered with cobbles, stones or boulders: 2.0 percent
Depth to restrictive feature: 18 to 22 inches to densic material
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.60 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 2.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: B

Ecological site: F149BY009MA - Well Drained Dense Till Uplands
Hydric soil rating: No

Minor Components

Plymouth

Percent of map unit: 9 percent
Landform: Moraines
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Chilmark

Percent of map unit: 9 percent
Hydric soil rating: No

Eastchop

Percent of map unit: 4 percent
Hydric soil rating: No

Moshup

Percent of map unit: 4 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Dukes County, Massachusetts
Survey Area Data: Version 19, Sep 9, 2022

Dukes County, Massachusetts

64A—Pawcatuck and Matunuck mucky peats, 0 to 2 percent slopes, very frequently flooded

Map Unit Setting

National map unit symbol: 2tyqp
Elevation: 0 to 10 feet
Mean annual precipitation: 36 to 71 inches
Mean annual air temperature: 39 to 59 degrees F
Frost-free period: 140 to 250 days
Farmland classification: Not prime farmland

Map Unit Composition

Pawcatuck and similar soils: 50 percent
Matunuck and similar soils: 35 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pawcatuck

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Partially-decomposed herbaceous organic material over sandy mineral material

Typical profile

Oe - 0 to 46 inches: mucky peat
Cg - 46 to 60 inches: mucky sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.14 to 99.90 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to strongly saline (1.0 to 112.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 21.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8w
Hydrologic Soil Group: A/D
Ecological site: R144AY001CT - Tidal Salt Low Marsh mesic very frequently flooded, R144AY002CT - Tidal Salt High Marsh mesic very frequently flooded
Hydric soil rating: Yes

Description of Matunuck

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Partially- decomposed herbaceous organic material over glaciofluvial deposits and/or sandy marine deposits

Typical profile

Oe - 0 to 12 inches: mucky peat
Cg - 12 to 72 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.14 to 99.90 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to strongly saline (1.0 to 112.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8w
Hydrologic Soil Group: A/D
Ecological site: R144AY001CT - Tidal Salt Low Marsh mesic very frequently flooded, R144AY002CT - Tidal Salt High Marsh mesic very frequently flooded
Hydric soil rating: Yes

