

NOI  
BOARDWALK

 **Schofield, Barbini & Hoehn Inc.**  
**Land Surveying • Civil Engineering**



12 Surveyor's Lane, Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

MV 6294

March 24, 2024

Chilmark Conservation Commission  
Town Hall  
Chilmark, MA 02535

Re: Chesapeake Realty Trust timber boardwalk – South Road - Assessor's Parcel 33-46

Dear Commissioners:

On behalf of our client, Chesapeake Realty Trust, we are filing the attached Notice of Intent under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw for the replacement and extension of an existing timber walkway at the above referenced property.

Please find the following regarding this matter:

1. Notice of Intent with USGS locus map
2. Copy of cover letter to DEP-SERO
3. Copy of Site Plan MV-6294, dated March 17, 2024
4. Affidavit of Service and list of abutters
5. Copy of NOI fee transmittal form and check for town's share of fee (\$284.50)

Please feel free to contact me with any questions.

Sincerely,



Christopher P. Alley  
Project Manager

Cc: DEP-SERO



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**Land Surveying** ⊕ **Civil Engineering**



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MV 6294

March 24, 2024

Department of Environmental Protection  
PO Box 4062  
Boston, MA 02211

Re: Chesapeake Realty Trust timber boardwalk  
South Road - Chilmark Assessor's Parcel 33-46

Please find attached a Notice of Intent Fee Transmittal Form for the above referenced project and a check to cover the State's share of the filing fee.

Sincerely,

Christopher P. Alley  
Project Engineer

 **Schofield, Barbini & Hoehn Inc.**  
**Land Surveying**  **Civil Engineering** 

12 Surveyor's Lane, Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

MV 6294

March 24, 2024

Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02547

Re: Chesapeake Realty Trust timber boardwalk  
South Road – Chilmark Assessor's Parcel 33-46

Dear Reviewer:

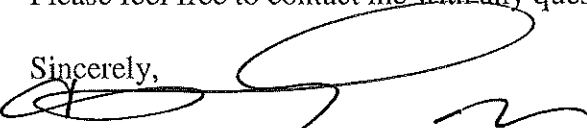
On behalf of our client, Chesapeake Realty Trust, we are filing the attached Notice of Intent under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw for the replacement and extension of an existing timber boardwalk at the above reference properties.

Please find the following regarding this matter:

1. Notice of Intent with USGS locus map
2. Copy of cover letter to the Chilmark Conservation Commission
3. Copy of Site Plan MV 6294, dated March 24, 2024
4. Affidavit of Service and list of abutters
5. Copy of NOI fee transmittal form and check for state's share of fee (\$259.50)

Please feel free to contact me with any questions.

Sincerely,

  
Christopher P. Alley  
Project Manager

Cc: Chilmark Conservation Commission



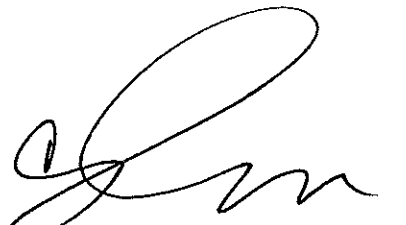
12 Surveyor's Lane, Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

AFFIDAVIT OF SERVICE  
Under the Massachusetts Wetlands Protection Act  
and the Chilmark Wetlands By-Law

I, Christopher P. Alley, hereby certify under the pains and penalties of perjury that on Mar 25, 2024, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent has been filed under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands By-Law by Chesapeake Realty Trust with the Chilmark Conservation Commission on March 25, 2024, for property located at South Road, Chilmark Assessor's Parcel 33-46.

The form of the notification and a list of notified abutters with their addresses are attached to this Affidavit of Service.



---

Christopher P. Alley

March 25, 2024  
Date



**Schofield, Barbini & Hoehn Inc.**  
**Land Surveying ⊕ Civil Engineering**



12 Surveyor's Lane, Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

Notification of Abutters Under  
The Massachusetts Wetlands Protection Act  
and the Chilmark Wetlands Bylaw

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

- A. The name of the applicant is Chesapeake Realty Trust
- B. The applicant has filed a Notice of Intent with the Chilmark Conservation Commission seeking to replace and extend an existing timber walkway. The project lies within land subject to protected under the Chilmark Wetlands Bylaw and under the Massachusetts Wetlands Protection Act.
- C. The address of the lot where the activity is proposed is South Road, Chilmark Assessor's Parcel 33-46.
- D. Copies of the Notice of Intent may be examined at Schofield, Barbini & Hoehn, Inc., 12 Surveyor's Lane, Vineyard Haven, Mass. between the hours of 8AM and 4PM on the following days of the week: Monday – Friday. For more information, call 508-693-2781. This is the applicant's representative.
- E. Information regarding the date, time and place of the public hearing may be obtained from Schofield, Barbini & Hoehn, Inc., 12 Surveyors Lane, Vineyard Haven, MA by calling (508) 693-2781 between the hours of 8AM and 4PM on the following business days of the week: Monday – Friday. This is the applicant's representative.

Note: Notice of the public hearing including its date, time, and place will be published at least five days in advance in the Vineyard Gazette or Martha's Vineyard Times. Notice of the public hearing, including date, time and place will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

Note: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: Southeast Region: 508-946-2800.



# 300 feet Abutters List Report

Chilmark, MA  
March 24, 2024

## Subject Property:

Parcel Number: 033-146-00  
CAMA Number: 033-146-00  
Property Address: 0 STATE RD/QUITSA ACCESS

Mailing Address: LEVITAN SHARI A TRUSTEE  
;CHESAPEAKE REALTY TRUST  
C/O HOLLAND & KNIGHT 10 ST JAMES  
AVE 11TH FL  
BOSTON, MA 02116

---

## Abutters:

Parcel Number: 033-080-00  
CAMA Number: 033-080-00  
Property Address: 5 RED VALLEY RD

Mailing Address: TUKMAN MELVIN T TRUSTEE  
TUKMAN REVOCABLE TRUST 66 VISTA  
DRIVE  
KENTFIELD, CA 94904

Parcel Number: 033-081-00  
CAMA Number: 033-081-00  
Property Address: 15 RED VALLEY RD

Mailing Address: GLEN ORA WEST LLC  
3465 N PINES WAY STE# 104-16  
WILSON, WY 83014

Parcel Number: 033-114-00  
CAMA Number: 033-114-00  
Property Address: 18 POINT INNER WAY

Mailing Address: ZOIA ADAM D  
20 WEST 33RD ST 7TH FL  
NEW YORK, NY 10001

Parcel Number: 033-115-00  
CAMA Number: 033-115-00  
Property Address: 183 STATE RD

Mailing Address: VILA ROBERT J & DIANA BARRETT  
TRSTEES ;RJ VILA & D BARRETT RES  
TRUST  
C/O SHEILA MORRIS PO BOX 2717  
HYANNIS, MA 02601-7717

Parcel Number: 033-117-00  
CAMA Number: 033-117-00  
Property Address: 199 STATE RD

Mailing Address: MACISAAC THOMAS & AMY  
6012 WALHONDING RD  
BETHESDA, MD 20816

Parcel Number: 033-118-00  
CAMA Number: 033-118-00  
Property Address: 0 STATE RD

Mailing Address: HOWLAND ABIGAIL F & AMY C  
HAKLISCH TRS  
NASHAQUITSA TRUST 5791 140TH AVE  
CLEAR LAKE, MN 55319

Parcel Number: 033-119-00  
CAMA Number: 033-119-00  
Property Address: 205 STATE RD

Mailing Address: MAYHEW/PENICAUD FAMILY LTD PRT  
205 STATE RD  
CHILMARK, MA 02535

Parcel Number: 033-120-00  
CAMA Number: 033-120-00  
Property Address: 1 CLAM POINT COVE RD

Mailing Address: LEE JOHN J TRUSTEE  
LEE NOMINEE TRUST 160 WEST  
BROOKSIDE DR  
LARCHMONT, NY 10538



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

3/24/2024

Page 1 of 1



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Chilmark

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>South Road (no street number)</u>	<u>Chilmark</u>	<u>02535</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>N 41.324048</u>	<u>W 70.769359</u>
<u>33</u>	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	<u>46</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Chesapeake Realty Trust</u>		
a. First Name	b. Last Name	
c. Organization		
<u>c/o Schofield, Barbini, &amp; Hoehn, Inc., PO Box 339</u>		
d. Street Address		
<u>Tisbury</u>	<u>MA</u>	<u>02568</u>
e. City/Town	f. State	g. Zip Code
<u>508-693-2781</u>	<u>508-693-6055</u>	<u>calley@sbhinc.net</u>
h. Phone Number	i. Fax Number	j. Email Address

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

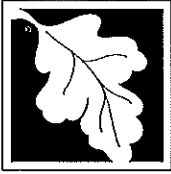
<u>Applicant</u>		
a. First Name	b. Last Name	
c. Organization		
<u>c/o Schofield, Barbini &amp; Hoehn, Inc., PO Box 339</u>		
d. Street Address		
<u>Vineyard Haven</u>	<u>MA</u>	<u>02568</u>
e. City/Town	f. State	g. Zip Code
<u>508-693-2781</u>	<u>508-639-6055</u>	<u>calley@sbhinc.net</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Christopher</u>		<u>Alley</u>
a. First Name	b. Last Name	
<u>Schofield, Barbini &amp; Hoehn, Inc.</u>		
c. Company		
<u>PO Box 339</u>		
d. Street Address		
<u>Vineyard Haven</u>	<u>MA</u>	<u>02568</u>
e. City/Town	f. State	g. Zip Code
<u>508-693-2781</u>	<u>508-693-6055</u>	<u>calley@sbhinc.net</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$544.00</u>	<u>\$259.40</u>	<u>\$284.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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

Chilmark

City/Town

A. General Information (continued)

6. General Project Description:

Proposed replacement and extension of an existing timber boardwalk (on grade) with an elevated timber boardwalk to provide pedestrian access to an existing timber pier

7a. Project Type Checklist:

- 1. Single Family Home
2. Residential Subdivision
3. Limited Project Driveway Crossing
4. Commercial/Industrial
5. Dock/Pier
6. Utilities
7. Coastal Engineering Structure
8. Agriculture (e.g., cranberries, forestry)
9. Transportation
10. Other

7b. Is any portion of the proposed activity eligible to be treated as a 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:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Dukes

a. County

1271

c. Book

b. Certificate # (if registered land)

979

d. Page Number

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

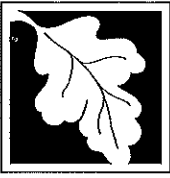
- 1. Buffer Zone Only - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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.

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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.





**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

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

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

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



WPA Form 3 - Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

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Chilmark

City/Town

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

Table with columns: Item, Size of Proposed Alteration, Proposed Replacement (if any). Includes items f through k, and a section for Restoration/Enhancement with sub-questions a and b.

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)?

a. [ ] Yes [X] No If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

(on line)
b. Date of map



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

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

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.1.d, 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).*

### 1. c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area

\_\_\_\_\_ percentage/acreage

(b) outside Resource Area

\_\_\_\_\_ percentage/acreage

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

3.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

(c)  MESA filing fee (fee information available at:

[http://www.mass.gov/dfele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm)).

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

### d. 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, [http://www.mass.gov/dfele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm); 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 \_\_\_\_\_

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfele/dfw/nhosp/nhosp.htm>, regulatory review tab). 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.



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

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

- 3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. 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 or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

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.

- 3. 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

- 4. 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

- 5. 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

- 6. 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

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



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

- 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

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.
- 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 MV 6294

a. Plan Title

Schofield, Barbini, & Hoehn, Inc.

b. Prepared By

March 17, 2024

d. Final Revision Date

c. Signed and Stamped by

1" = 20'

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.



WPA Form 3 - Notice of Intent

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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:

7874 March 13, 2024
2. Municipal Check Number 3. Check date
7873 March 13, 2024
4. State Check Number 5. Check date
Schofield, Barbini, & Hoehn, Inc.
6. Payor name on check: First Name 7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant 2. Date
3. Signature of Property Owner (if different) 4. Date
March 24, 2024
5. Signature of Representative (if any) 6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

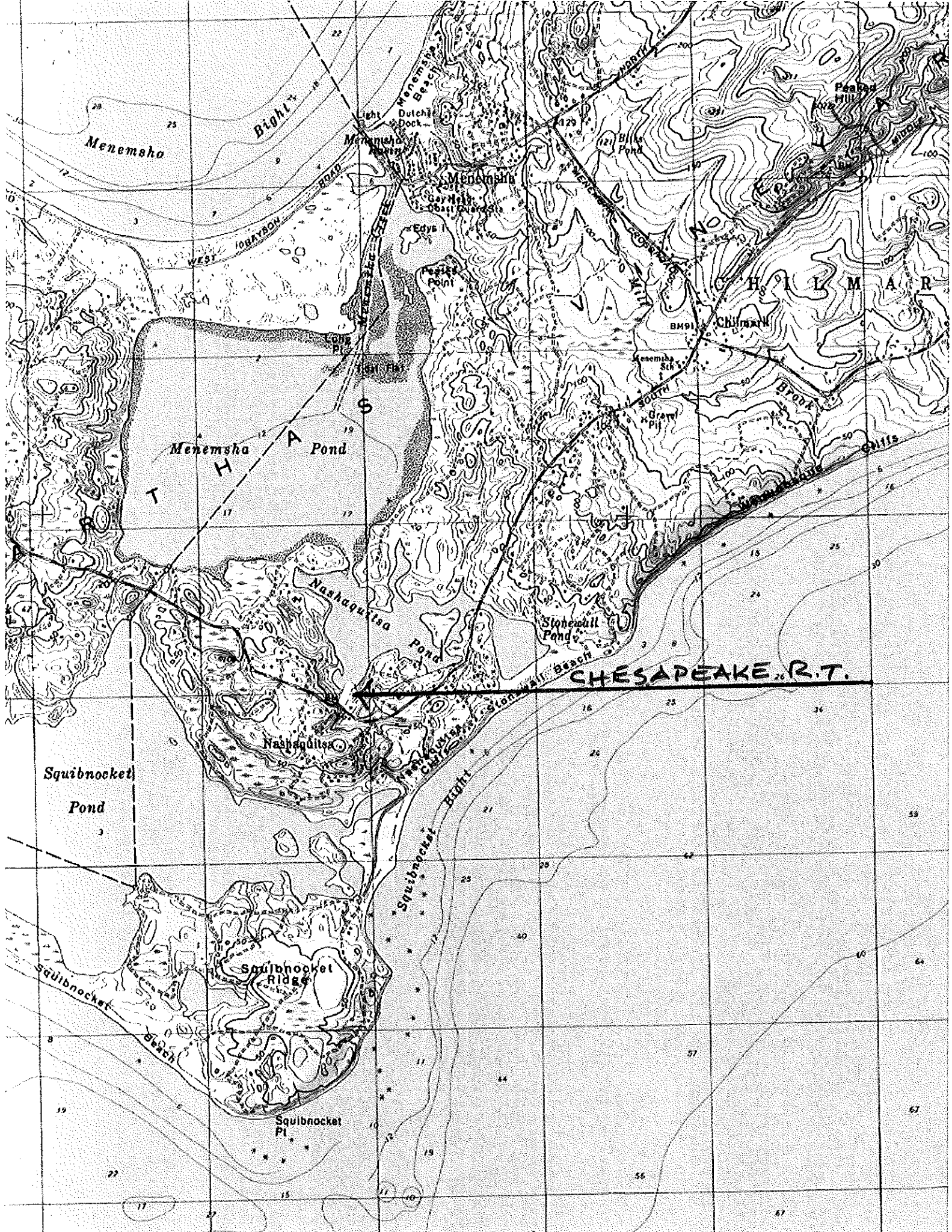
For MassDEP:

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

Other:

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

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



Menemsha

Right

Menemsha Pond

Nashaditsa Pond

Squibnocket Pond

Squibnocket Ridge

Squibnocket Pl.

CHESAPEAKE R.T.

NORFOLK COUNTY

WILMINGTON COUNTY

CHURCHMAN

Menemsha Sch.

Gravel Pit

Stonehill Pond

Right

Squibnocket Beach

Stonehill Beach

Squibnocket Beach

Squibnocket Beach

Squibnocket Beach

Squibnocket Beach

Squibnocket Beach



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. Applicant:

Chesapeake Realty Trust

a. First Name

b. Last Name

c. Organization

c/o Schofield, Barbini & Hoehn, Inc., PO Box 339

d. Mailing Address

Vineyard Haven

MA

02568

e. City/Town

f. State

g. Zip Code

508-693-2781

508-693-6055

calley@sbhinc.net

h. Phone Number

i. Fax Number

j. Email Address

### 2. Property Owner (if different):

Applicant

a. First Name

b. Last Name

c. Organization

c/o Schofield, Barbini & Hoehn, Inc., PO Box 339

d. Mailing Address

Vineyard Haven

MA

02568

e. City/Town

f. State

g. Zip Code

508-693-2781

508-693-6055

calley@sbhinc.net

h. Phone Number

i. Fax Number

j. Email Address

### 3. Project Location:

South Road (no street number)

a. Street Address

Chilmark

b. City/Town

## B. Fees

The fee should be calculated using the following six-step process and 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 filling 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
Construction of a timber boardwalk	one (136 l.f.)	\$4 / l.f.	\$544.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			<b>\$544.00</b>

**Step 6/Fee Payments:**

Total Project Fee:	\$544.00
State share of filing Fee:	a. Total Fee from Step 5 \$259.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$284.50
	c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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



# Notice of Receipt and Agreement of Extension

Notice of Intent

ADDRESS: South Road (AP 33-46)

Chilmark Conservation Commission hours: Monday 9am – 4pm  
(for receipt of notices & requests) Tuesday 9am – 4pm  
Thursday 11:30am – 4pm  
Friday 9am – 4pm

To be completed by the Town of Chilmark Conservation Commission representative in Chilmark Town Hall (Conservation Agent, Conservation Commissioner, or the Assistant Executive Secretary) during posted hours:

Date received (written or stamped): 3/25/24

Received by (signature):

Dear Applicant,

In order to properly advertise the Notice of Intent (NOI) for proposed activities at the above-referenced property, a legal ad must be placed in a newspaper of general circulation in Chilmark at your expense. The Town's newspaper of record is the Vineyard Gazette, publishing once per week on Fridays.

Due to the deadlines for the legal ad, the public hearing for the NOI referenced above will be on the agenda for the Chilmark Conservation Commission Meeting scheduled **April 18, 2024**. The time of the hearing and link to the Zoom meeting for your remote participation is available at <https://www.chilmarkma.gov/conservation-commission>

Please sign below to acknowledge your agreement to the date of the public hearing for this NOI.

Thank you,  
Carolyn Stoeber, Chilmark Conservation Agent

Signature of applicant or representative agreeing to the hearing date

**Subject:** MassDEP NOI File Number  
**From:** SERO\_NOI@MassMail.state.ma.us  
**Date:** 4/9/2024, 11:56 AM  
**To:** mark.bartow@mass.gov, calley@sbhinc.net  
**CC:** sero\_noi@state.ma.us, chilmarkconservation@gmail.com, sero\_noi@state.ma.us

COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 SOUTHEAST REGIONAL OFFICE  
 20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 04/09/2024 Municipality CHILMARK

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

<b>Applicant</b> CHESAPEAKE REALTY TRUST C/O SCHOFIELD, BARBINI, & <b>Address</b> HOEHN INC, PO BOX 339,TISBURY MA <b>Locus</b> SOUTH ROAD , CHILMARK MA	<b>Owner Address</b>
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This project has been assigned the following file # : **SE 012-0927**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

The site plan shows impacts to Salt Marsh that are not included or otherwise described in the NOI. The NOI should describe the methods to be used to reconstruct the walkway and detail temporary construction impacts. Those impacts should also be shown on the plan.

DMF and others have conducted field studies over the years that have focused on shading impacts from docks and their associated walkways. The studies showed that even at a 1:1 height to width ratio there was a loss of approximately half the underlying marsh biomass within 3 years of installation. At least one of the studies looked at alternative decking (ie grated decking) and concluded that it did not significantly change the marsh biomass. Based on these studies the general guidance is that the deck height be set at least 1.5 times the overall width. The various studies can be found at: <https://www.mass.gov/files/2017-08/10.1007%252Fs12237-017-0268-4.pdf>

Please submit a revised NOI and site plan that shows a deck height of at least 1.5 times the overall width of the structure, and describes and shows all temporary construction work impacts.

Regards,