

NOI  
TENNIS COURT

 **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 12256

July 13, 2022

Chilmark Conservation Commission  
Town Hall  
Chilmark, MA 02535

Re: 239 State Road, LLC tennis court – 239 State Road – Assessor's Parcel 33-49

Dear Commissioners:

On behalf of our client, 239 State Road, LLC, we are filing a Notice of Intent under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw for the construction of a tennis court and associates site work at the above referenced property.

Please find the following regarding this matter:

1. Notice of Intent with USGS locus map
2. Site Plan MV-12256 dated July 11, 2022
3. Affidavit of Service and list of abutters
4. Copy of cover letter to DEP-SERO
5. Copy of NOI fee transmittal form and check for town's share of fee (\$67.50)

Please feel free to contact me with any questions.

Sincerely,



Christopher P. Alley  
Project Manager

Cc: DEP-SERO

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

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Vineyard Haven, Mass.  
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dhoehn@sbhinc.net

MV 12256

July 13, 2022

Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02547

Re: 239 State Road, LLC tennis court – 239 State Road – Chilmark Assr Pcl 33-49

Dear Reviewer:

On behalf of our client, 239 State Road, LLC, we are filing a Notice of Intent under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw for the construction of a tennis court and associated site work at the above referenced property.

Please find the following regarding this matter:

1. Notice of Intent with USGS locus map
2. Site Plan MV-12256 dated July 11, 2022
3. Affidavit of Service and list of abutters
5. Copy of cover letter to Chilmark Conservation Commission
6. Copy of wetlands fee transmittal form with copy of check for State's share of fee

Sincerely,



Christopher P. Alley  
Project Manager

cc: Chilmark Conservation Commission

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

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Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

MV 12256

July 13, 2022

Department of Environmental Protection  
PO Box 4062  
Boston, MA 02211

Re: 239 State Road, LLC tennis court – 239 State Road – Chilmark Assr's Pcl 33-49

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



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 July 13, 2022, 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 239 State Road, LLC with the Chilmark Conservation Commission on July 13, 2022, for property located at 239 State Road, Chilmark Assessor's Parcel 33-49.

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

Christopher P. Alley

July 13, 2022

Date



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 239 State Road, LLC.
- B. The applicant has filed a Notice of Intent with the Chilmark Conservation Commission seeking permission to construct a tennis court and associates site work. Portions of the project lie within an area 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 239 State Road, Chilmark Assessor's Parcel 33-49.
- 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 foot Abutters List Report

Chilmark, MA

July 12, 2022

## Subject Property:

Parcel Number: 033-049-00  
CAMA Number: 033-049-00  
Property Address: 239 STATE RD

Mailing Address: 239 STATE RD LLC  
2288 BROADWAY ST APT# 3  
SAN FRANCISCO, CA 94115

---

## Abutters:

Parcel Number: 033-003-00  
CAMA Number: 033-003-00  
Property Address: 0 SOUTH RD

Mailing Address: SHERIFFS MEADOW FOUNDATION  
PO BOX 1088  
VINEYARD HAVEN, MA 02568

Parcel Number: 033-048-00  
CAMA Number: 033-048-00  
Property Address: 21 AUSTIN PASTURE

Mailing Address: 21 AUSTIN PASTURE LLC  
885 THIRD AVE STE# 2640  
NEW YORK, NY 10022

Parcel Number: 033-053-00  
CAMA Number: 033-053-00  
Property Address: 9 SHEEP PEN LN

Mailing Address: CRAIG GREGORY B & MARGARET D N  
TRSTEEES ; G B CRAIG REVOC TRUST  
M D N CRAIG REVOC TRUST 3155  
HIGHLAND PLACE NW  
WASHINGTON, DC 20008-3235

Parcel Number: 033-087-00  
CAMA Number: 033-087-00  
Property Address: 231 STATE RD

Mailing Address: AQUINO LINDESAY, D HOLDSWORTH  
ETAL TRS ; DJH FAMILY LIVING TRUST  
1213 ESTATE LN  
LAKE FOREST, IL 60045

Parcel Number: 033-088-00  
CAMA Number: 033-088-00  
Property Address: 235 STATE RD

Mailing Address: VASCELLARO JEROME C TRUSTEE  
235 STATE RD NOM TRUST 2288  
BROADWAY APT# 3  
SAN FRANCISCO, CA 94115-1105

Parcel Number: 033-089-00  
CAMA Number: 033-089-00  
Property Address: 0 LOVEYS COVE RD

Mailing Address: EGGER DAVID M TRUSTEE  
MAURICE D EGGER REV TRUST 22  
CONISTON ST  
PRINCETON, NJ 08540-7552

Parcel Number: 033-152-00  
CAMA Number: 033-152-00  
Property Address: 0 STATE RD

Mailing Address: CHILMARK TOWN OF/CONSERVATION  
COMMISSION  
BOX 119  
CHILMARK, MA 02535

Parcel Number: 033-167-00  
CAMA Number: 033-167-00  
Property Address: 5 CHOCKERS LN

Mailing Address: KARNOVSKY DANIEL & FIDUCIARY TR  
CO TRS ;MLK 1993 GST EX TR&ARK  
GST TR  
FIDUCIARY TR CO / KARNOVSKY 53  
STATE ST. 4TH FL  
BOSTON, MA 02109

Parcel Number: 033-174-00  
CAMA Number: 033-174-00  
Property Address: 0 CHOCKERS LN

Mailing Address: CHILMARK TOWN OF/CONSERVATION  
COMMISSION  
BOX 119  
CHILMARK, MA 02535



www.cai-tech.com

7/12/2022

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.

Page 1 of 1



**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

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):

239 State Road  
 a. Street Address  
Chilmark  
 b. City/Town  
02535  
 c. Zip Code  
Latitude and Longitude:  
N 41.32658  
 d. Latitude  
W 70.77636  
 e. Longitude  
33  
 f. Assessors Map/Plat Number  
49  
 g. Parcel /Lot Number

2. Applicant:

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

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

Robert Iwaskiewicz, Island Housing Trust, MV  
 Land Bank  
 b. Last Name  
 c. Organization  
c/o Schofield, Barbini, & Hoehn, Inc., PO Box 339  
 d. Street Address  
Vineyard Haven  
 e. City/Town  
MA  
 f. State  
02568  
 g. Zip Code  
508-693-2781  
 h. Phone Number  
508-639-6055  
 i. Fax Number  
calley@sbhinc.net  
 j. Email address

4. Representative (if any):

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

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

\$110.00  
 a. Total Fee Paid  
\$42.50  
 b. State Fee Paid  
\$67.50  
 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 tennis court and associated site work within the Buffer Zone of a BVW

### 7a. Project Type Checklist:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home     | 2. <input type="checkbox"/> Residential Subdivision                   |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial                     |
| 5. <input type="checkbox"/> Dock/Pier                         | 6. <input type="checkbox"/> Utilities                                 |
| 7. <input type="checkbox"/> Coastal Engineering Structure     | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input type="checkbox"/> 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

1591

c. Book

b. Certificate # (if registered land)

542

d. Page Number

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

- 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.
- 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.

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	





# 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)

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)	

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)

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.

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 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

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



# WPA Form 3 – Notice of Intent

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MassDEP File Number \_\_\_\_\_

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Chilmark \_\_\_\_\_

City/Town \_\_\_\_\_

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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	
	1. square feet	
i. <input type="checkbox"/> Land Under Salt Ponds	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
	_____	
	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 type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

## 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)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm).

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

(on line) \_\_\_\_\_  
b. Date of map \_\_\_\_\_

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



# WPA Form 3 – Notice of Intent

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

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Document Transaction Number \_\_\_\_\_

Chilmark \_\_\_\_\_

City/Town \_\_\_\_\_

## 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/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/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/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/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/dfwele/dfw/nhesp/nhesp.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

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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 12256

a. Plan Title

Schofield, Barbini, & Hoehn, Inc.

b. Prepared By

July 11, 2022

d. Final Revision Date

c. Signed and Stamped by

1" = 40'

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

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

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MassDEP File Number
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Chilmark
City/Town

## 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:

5781	7/12/22
2. Municipal Check Number	3. Check date
5780	7/12/22
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
5. Signature of Representative (if any)	July 12, 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.



239 STATED D, LLC



**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:**

239 State Road, LLC

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):**

(see cover letter)

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

508-639-2781

508-639-6055

calley@sbhinc.net

h. Phone Number

i. Fax Number

j. Email Address

**3. Project Location:**

239 State Road

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 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**  
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**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
tennis court associates with an existing single-family dwelling	one	\$110.00	\$110.00

**Step 5/Total Project Fee:** \$110.00

**Step 6/Fee Payments:**

Total Project Fee: \$110.00  
a. Total Fee from Step 5  
State share of filing Fee: \$42.50  
b. 1/2 Total Fee less \$12.50  
City/Town share of filling Fee: \$67.50  
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.)

**SCHOFIELD BARBINI AND HOEHN INC**

PO BOX 339  
VINEYARD HAVEN, MA 02568

**CAPE FIVE** PO Box 10  
Orleans, MA 02653  
capcodfive.com  
53-7107/2113

07/12/2022

5781

PAY TO THE ORDER OF Town of Chilmark

Sixty-seven and 50/100\*\*\*\*\*

\$\*\*67.50

DOLLARS

Town of Chilmark  
P.O. Box 119  
Chilmark, MA 02535

MEMO

mvt 12256 239 state rd llc ccc

⑈005781⑈ ⑆211371078⑆ ⑈32888109⑈



*[Signature]*  
AUTHORIZED SIGNATURE

Security features. Details on back.

**SCHOFIELD BARBINI AND HOEHN INC**

PO BOX 339  
VINEYARD HAVEN, MA 02568

**CAPE FIVE** PO Box 10  
Orleans, MA 02653  
capcodfive.com  
53-7107/2113

07/12/2022

5780

PAY TO THE ORDER OF Commonwealth of Massachusetts

Forty-two and 50/100\*\*\*\*\*

\$\*\*42.50

DOLLARS

Commonwealth of Massachusetts

MEMO  
ccc 239 state rd llc

⑈005780⑈ ⑆211371078⑆ ⑈32888109⑈



*[Signature]*  
AUTHORIZED SIGNATURE

Security features. Details on back.