

January 30, 2024

Job No. 2010-0074-00

Carolyn Stoeber, Agent
Chilmark Conservation Commission
401 Middle Road/PO Box 119
Chilmark, MA 02535

By Overnight Mail and email to: chilmarkconservation@gmail.com

Re: Notice of Intent Application

Propose to Install and Maintain Cobble and Sand Renourishment
Fool's High Tide, LLC
25 East Lane
Chilmark, MA
Map 32 Parcels 68.1

Dear Carolyn:

On behalf of our client, the Fool's High Tide, LLC, we are submitting an original plus 1 copy of a Notice of Intent Application, an original check for municipal filing fee, and 2 copies of the plan for the above referenced project.

Please schedule this for your **March 7, 2024** public hearing to give the Natural Heritage & Endangered Species Program time to submit their comment letter before the hearing. If you have any questions, or require any additional information, please give me a call at 508-495-6240 or send an email to bgurney@woodsholegroup.com. Thank you.

Sincerely,



Beth Gurney
Environmental Permitting Specialist

Enclosures: as stated

cc: Mass. DEP/SERO – Wetlands & Waterways: via sero_noi@mass.gov
Natural Heritage Endangered Species Program: hard copy and MESAReview@mass.gov
Fool's High Tide, LLC
Richard Nysten, Lynch, DeSimone & Nysten, LLP
Tara Marden, Woods Hole Group, Inc.
Conor Ofsthun, Woods Hole Group, Inc.

Notice of Intent Application Form

Proposed Cobble and Sand Renourishment for Fool's High Tide, LLC



January 2024

PREPARED FOR:
Chilmark Conservation Commission
401 Middle Road/P.O. Box 119
Chilmark, MA 02535

PREPARED BY:
Woods Hole Group, Inc.
A CLS Company
107 Waterhouse Rd
Bourne, MA 02532 USA

107 Waterhouse Road
Bourne, MA 02532
Phone: 508-540-8080
Fax: 508-540-1001
e-mail: WHGroup@whgrp.com
www. woodsholegroup.com

Notice of Intent Contents:

- A. Notice of Intent Application
- B. Project Narrative
- C. Performance Standards Compliance Narrative
- D. Alternatives Analysis
- E. Sediment Characterization Plan, dated 1/11/2024
- F. Wetland Fee Transmittal Form and Fees
 - Copy of \$693.50 check made payable to Commonwealth of Mass. for state share of DEP fee, (original sent directly to lockbox)
 - Copy of \$718.50 check made payable to Town of Chilmark for town share of DEP fee
 - Copy of \$300 check made payable to Commonwealth of Mass. – NHESP for MESA filing fee
- G. Abutters List and Abutter Notification
- H. Affidavit of Service
- I. Project Maps and Plans
 - Chilmark USGS Map, identifying locus
 - GIS Locus Map
 - Plan entitled, “Proposed Beach Renourishment for Fool’s High Tide, LLC”, dated 12/19/2023

Section A

Notice of Intent Application



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

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>25 East Lane</u>	<u>Chilmark</u>	<u>02535</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>Map 32</u>	<u>41 19' 36.49" N</u>	<u>70 44' 59.70" W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>68.1</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Fain</u>	<u>Hackney, Trustee</u>	
a. First Name	b. Last Name	
<u>Fool's High Tide, LLC</u>		
c. Organization		
<u>c/o Reynolds, Rappaport, Kaplan & Hackney, LLC, PO Box 2540</u>		
d. Street Address		
<u>Edgartown</u>	<u>MA</u>	<u>02539</u>
e. City/Town	f. State	g. Zip Code
<u>508-627-3711</u>	<u>fhackney@rrklaw.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></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Tara</u>	<u>Marden</u>	
a. First Name	b. Last Name	
<u>Woods Hole Group, Inc.</u>		
c. Company		
<u>107 Waterhouse Road</u>		
d. Street Address		
<u>Bourne</u>	<u>MA</u>	<u>02532</u>
e. City/Town	f. State	g. Zip Code
<u>508-397-9689</u>	<u>508-540-1001</u>	<u>tmarden@woodsholegroup.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,412</u>	<u>\$693.50</u>	<u>\$718.50</u>
a. Total Fee Paid	b. State Fee Paid	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

Chilmark

City/Town

A. General Information (continued)

6. General Project Description:

Proposed placement of beach renourishment, in the form of cobble nourishment with a sand veneer, above high tide line.

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:

Dukes

a. County

Book 1123

c. Book

b. Certificate # (if registered land)

Page 839

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

Chilmark

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) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. 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

Chilmark

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.

<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 checked="" type="checkbox"/> Coastal Beaches	12,000+/-	890
	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<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	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	12,000+/-	

	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



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

Chilmark

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

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://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 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*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	0.06 acres
	percentage/acreage
(b) outside Resource Area	
	percentage/acreage

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

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the 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

Chilmark

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

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is 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

Chilmark

City/Town

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

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

- 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.



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	
Chilmark	
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.

Proposed Beach Renourishment for Fool's High Tide, LLC

a. Plan Title

Woods Hole Group, Inc.

Joel R. Kubick, P.E.

b. Prepared By

c. Signed and Stamped by

12/19/2023

1" = 20'

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:

002022

2. Municipal Check Number

1/25/2024

3. Check date

002026

4. State Check Number

1/25/2024

5. Check date

Woods Hole Group, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

Chilmark

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.

Fool's High Tide LLC

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

Tara Marden / beg for Fool's High Tide LLC

5. Signature of Representative (if any)

4. Date

1-29-24

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.

Section B

Project Narrative



B. PROJECT NARRATIVE

Introduction

The subject property is located at 25 East Lane in Chilmark, MA along the southern shoreline of Martha’s Vineyard (Figure 1). Woods Hole Group has been monitoring site conditions (Figure 2) on the property since 2010. To combat erosion, Woods Hole Group previously worked with the Applicant to implement construction of a cobble and sand nourishment project twice at this location under DEP File No. SE 12-0702 (Figures 3-5). These past nourishment projects have been successful at improving resiliency by adding elevation and width to the coastal beach, providing a natural wave break and buffer to the coastal bank. The Applicant proposes to renourish the coastal beach because the two previous nourishment projects were successful at minimizing erosion while having no negative impacts to adjacent beaches as evidenced by the previously required bi-annual monitoring survey data. Three design alternatives were considered and are presented in Section D.



Figure 1. Locus map of the subject property, 25 East Lane, located in Chilmark, MA.



Figure 2. July 10, 2023 photos showing site conditions. Left – Photo from the southwest property boundary looking northeast along 25 East Lane. Right – Photo from farther along the beach, looking northeast along 25 East Lane towards 21 East Lane.



Figure 3. Photo looking east along first completed construction event for cobble berm and sand veneer – May 2020.



Figure 4. Photo looking east along the second constructed cobble berm at 25 East Lane – April 1, 2022.



Figure 5. Photo looking east at the eastern taper of the constructed cobble berm – April 1, 2022. The subject property and footprint of the proposed project is an extension of the constructed design along the unprotected bank in the distance of this photo.



Shoreline Erosion

The Property is unique in that it is situated on a prominent, eroding glacial headland and exhibits steep cohesive bluffs and a rocky shoreline (Figure 6). The headland is a resistant, heterogeneous glacial deposit composed of silts, clays, sands, cobbles, and occasional boulders that sits as a protuberance along an otherwise straight shoreline. The headland is more exposed to wave focus and attack because it is situated more seaward than the adjacent coastline and wave energy is concentrated here. The presence of cohesive clay material within the unique headland (Coastal Bank) also makes it more susceptible to erosion and slumping.



Figure 6. Subject parcel boundary and site topography.

To illustrate the coastal changes that have occurred at 25 East Lane, Woods Hole Group compiled and analyzed data from Google Earth imagery and the Massachusetts Coastal Zone Management (CZM) shoreline change study. Data from nine (9) time periods were evaluated a series of shore normal transects spaced every 50 feet along the coastline were used to measure historical rates of shoreline change. Long-term shoreline change rates (1888-2018) were between -1.89 to -2.00 ft/yr period in front of the subject property (Figure 7). Short-term shoreline change rates (1994-2018) ranged between -1.79 to -2.48 ft/yr (Figure 8). Sea-level rise and an increased frequency of storms resulting from climate change are anticipated to increase erosion rates on the subject property into the future.

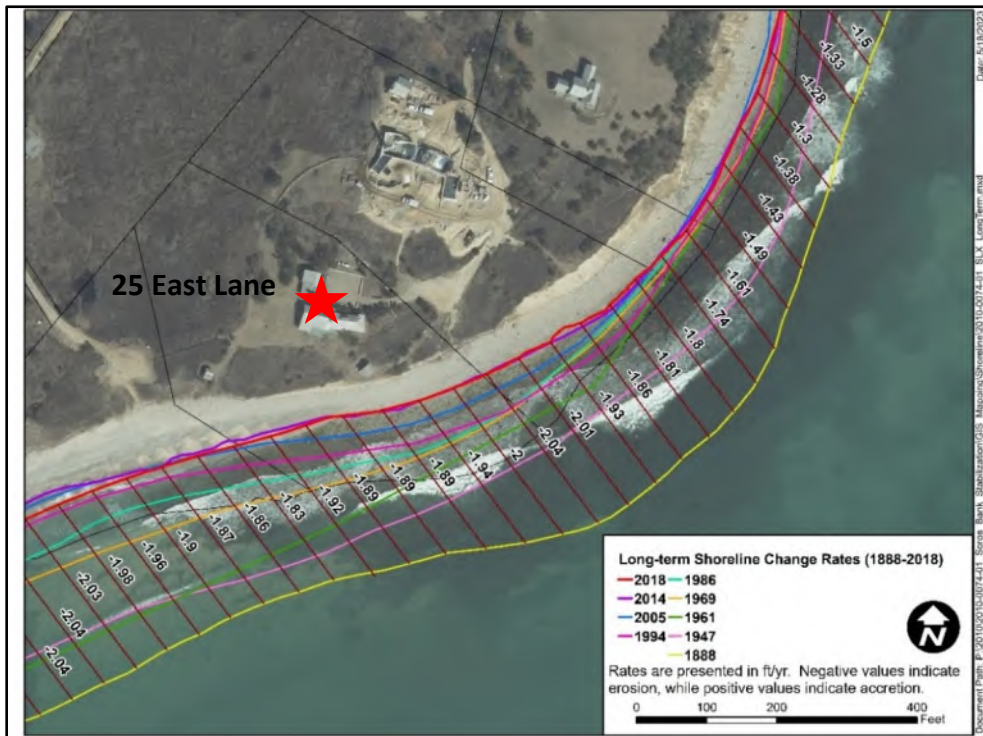


Figure 7. CZM shoreline positions and long-term rates of change from 1888-2018, supplemented with Woods Hole Group data from 2014.



Figure 8. CZM shoreline positions and short-term rates of change from 1994-2018, supplemented with Woods Hole Group data from 2014.



In an on-going effort to build resiliency along the shoreline and offset impacts of coastal bank erosion, the Applicant is proposing to install 1,037 total cubic yards (cy) of beach nourishment in the form of cobble nourishment (890 cy) and sand veneer (147 cy), as a resilient natural buffer along the property in compliance with the regulations.

Coastal Wetland Resources

Coastal wetland resource areas on the property include Coastal Beach, Coastal Bank, and Rocky Intertidal Shore, with Coastal Dune present along proposed access ways (Figure 9). However, the proposed project only falls within the boundaries of the Coastal Beach. The resource areas were delineated in July of 2023 by Vineyard Land Surveying and Engineering, representing the most up to date footprint of this eroding resource area.

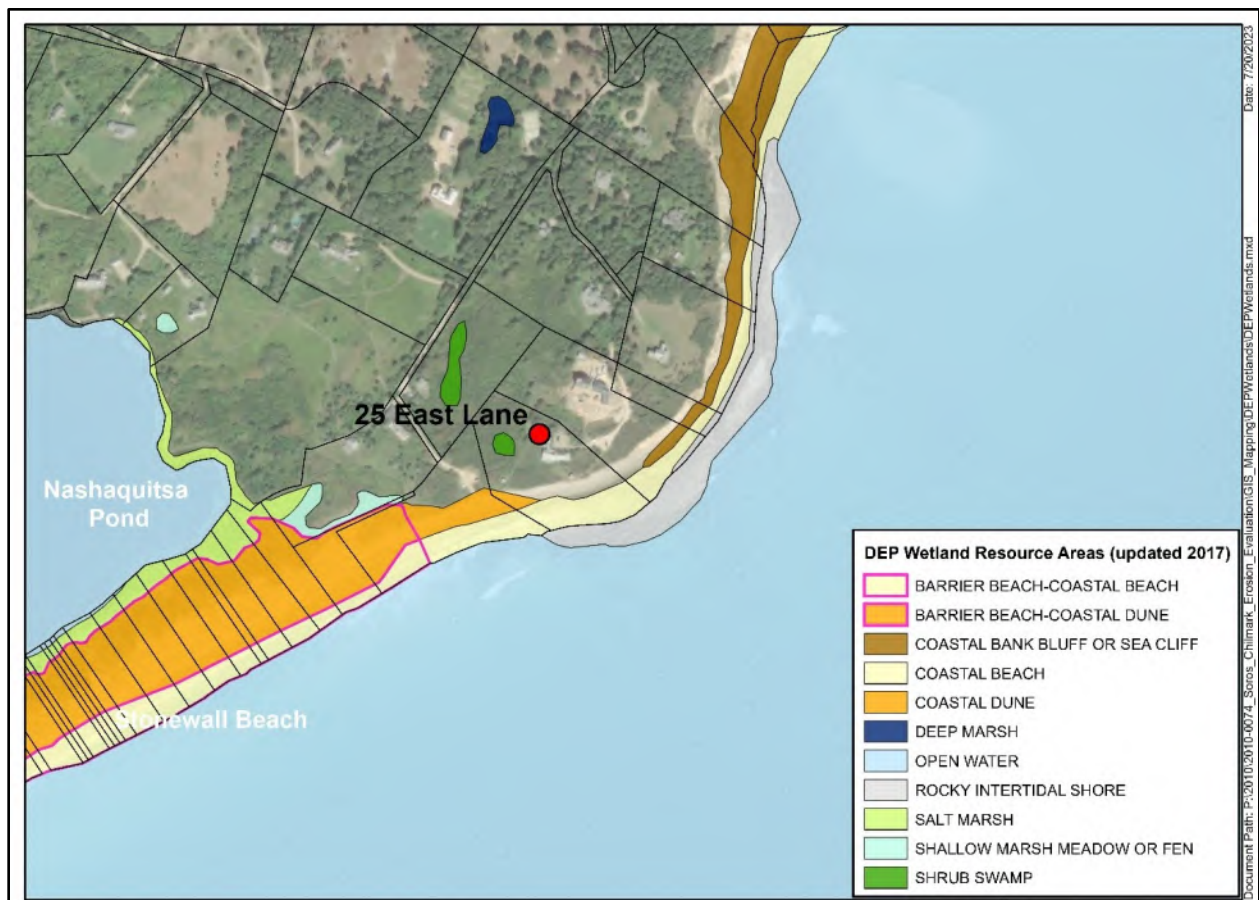


Figure 9. MassDEP Coastal Resource Areas at Fool's High Tide, LLC property.

Coastal Beach

The Coastal Beach on the subject properties is relatively steep and narrow and is comprised of a wide range of sediment sizes, ranging from pebbles to boulders with a medium to coarse grain sandy substrate (see attached Sediment Characterization Plan in Section E). The material on the



beach is derived directly from the glacial bluffs landward of the beach and the proposed nourishment has been designed to mimic what occurs naturally on the site.

Coastal Bank

Landward of the Coastal Beach, the Coastal Bank exhibits a classic glacial morphology, having steep cohesive bluffs consisting of mixed strata ranging from clay to large glacial boulders. The elevation of the Coastal Bank on the property ranges from elevation 12' to the west to 20' to the east.

Proposed Project

The proposed project at 25 East Lane includes the construction and maintenance of 890 cy of cobble renourishment and 147 cy of a sand veneer above High Tide Line (HTL), along approximately 353 linear feet at the base of the eroding coastal bank (Figure 10). The purpose of the cobble renourishment and sand veneer is to increase the elevation and width of the coastal beach, providing a more resilient storm buffer to the coastal bank.

The renourishment material will be compatible with the existing coastal beach and comprised of 25% 4"-12" diameter and 75% 6"-12" diameter cobble. The design crest of the cobble nourishment is 11.0 feet (NAVD88) and tapers seaward at a 2.5H:1V slope above the HTL line. The design crest of the sand veneer is 12 feet (NAVD88) and tapers at a 3H:1V slope to the edge of the cobble nourishment crest. Both the eastern and western ends of the beach renourishment shall taper into the surrounding beach and bank with the western end tapering at a 10:1 slope. The specifications for the proposed nourishment design are included on the attached engineering drawings found in Section I.

Based upon the previous bi-annual monitoring data, it is expected that renourishment will be required every other year. The renourishment will be inspected on a regular basis (see monitoring section below) and maintained as necessary.

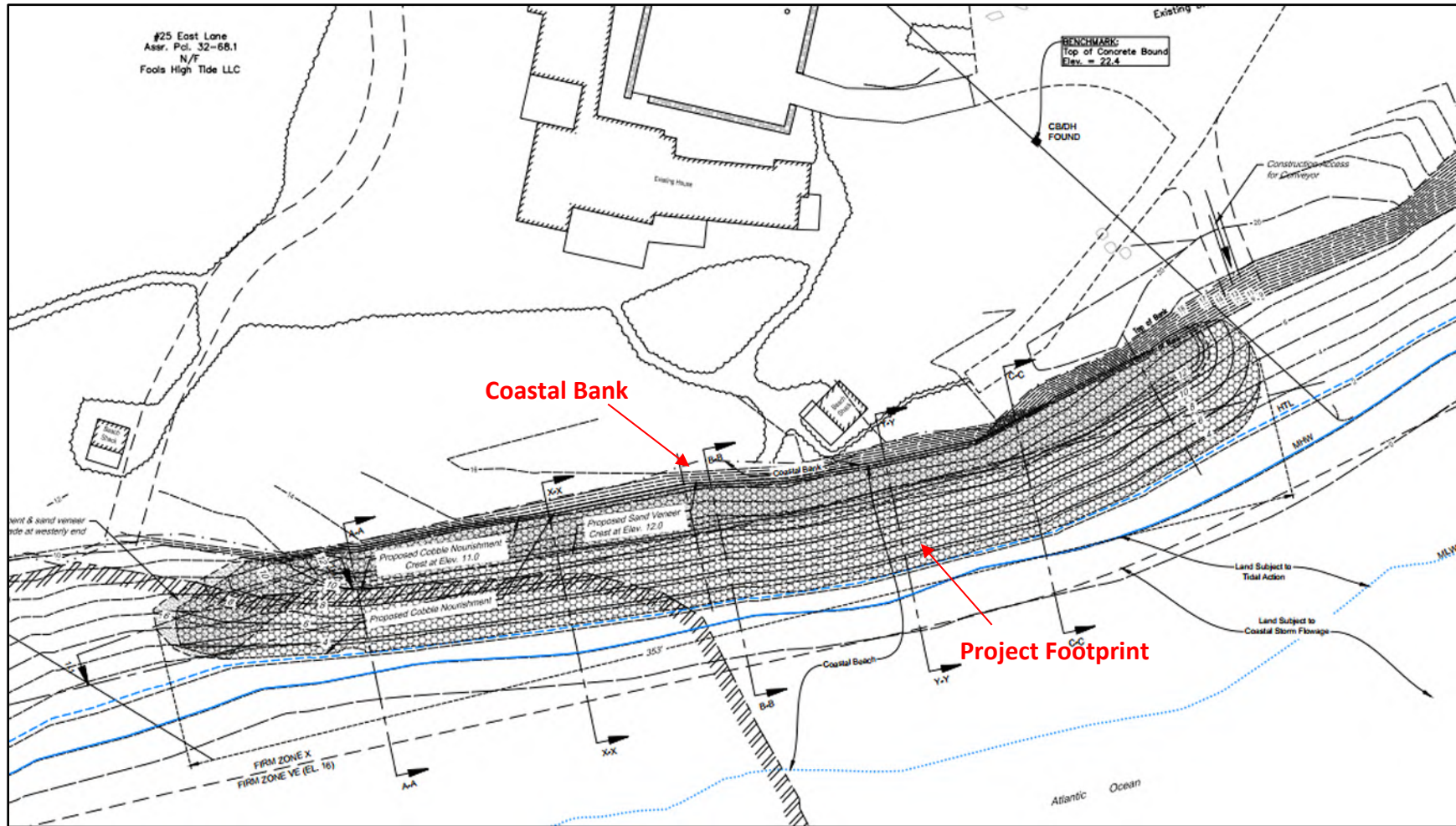


Figure 10. Extent of Coastal Bank at 25 East Lane and approximate proposed project footprint.



Monitoring and Beach Profile Surveys to Demonstrate Compliance with the Wetlands Protection Act and Chilmark Bylaw

The project proposes to continue the bi-annual post-construction monitoring, which has been on-going at 25 East Lane since the 2020 and 2022 constructions projects. Monitoring reports will include photographs and a synopsis of the beach profile surveys that will be collected twice per year, prior to April 1 and after September 1 of each year. Topographic beach profiles will measure the elevation of the beach at distinct transects along the property (Figure 11). The same transects will be measured during each survey so that a comparison of beach height can be made between surveys. Data will be used to monitor how the renourishment performs and to provide a gauge as to when additional renourishment will be required to maintain resiliency. The monitoring reports will be submitted to the Conservation Commission.

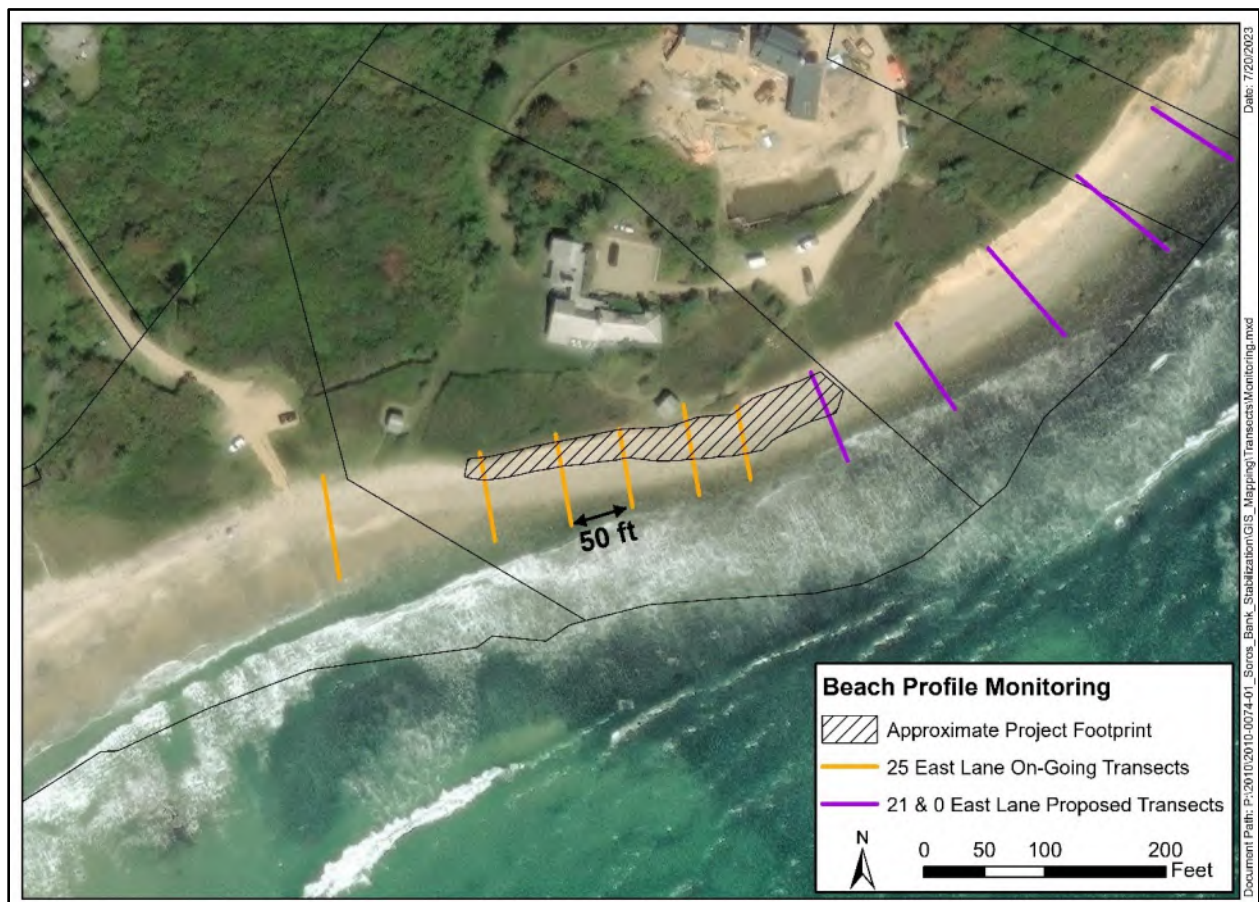


Figure 11. Plan showing location of beach profile monitoring transects.

Construction Methodology

Cobble and sand delivered to the site will be transported to the coastal beach by conveyor from the adjacent upland property at 21 East Lane to eliminate impacts to the coastal bank (Figure 2). The staging area for the conveyor is an open dirt parking lot also at 21 East Lane, shown in Figure



3. A front end loader and an excavator will be required to spread and grade the nourishment material on the coastal beach and will access the site over the coastal dune at 25 East Lane (Figure 4). This is the same equipment access that was utilized for the previous nourishment project. Construction of the proposed project is expected to take approximately 2-4 weeks, subject to weather and tides.

Disturbance associated with the equipment access is temporary and limited to existing lawn and beach grass. All disturbed areas will be restored to pre-existing conditions upon completion of the project, under the supervision of the Commission’s Conservation Agent.



Figure 12. Photograph showing the use of a conveyor belt to transport material over the bank at 21 East Lane.



Figure 13. Photograph showing the parking area at the end of East Lane, and the pathway leading to the top of the coastal bank.



Figure 14. Photographs showing construction access way through 25 East Lane for construction equipment – May 2020.

Section C

Performance Standards Compliance Narrative



C. PERFORMANCE STANDARDS COMPLIANCE NARRATIVE

The Applicant proposes to place cobble and sand renourishment at 25 East Lane on the southern shoreline in Chilmark. The proposed reconstruction is permissible under 310 CMR 10.00 and Chilmark Wetlands Regulations and has been permitted by the Commission in the past. Two installments of cobble and sand nourishment occurred in 2020 and 2022 under MassDEP File No. SE 12-0702 and a local bylaw only Order of Conditions, and bi-annual monitoring has taken place over the last four years. Monitoring data indicates that the nourishment has been effective at minimizing erosion while having no impact on adjacent resource areas. The following describes the existing resource areas and how this project meets the performance standards for each of those on the subject property.

1. Compliance with Wetlands Protection Regulations, 310 CMR 10.00

The performance standards for Coastal Beach and Coastal Dune are addressed below. All of the proposed renourishment will be placed on the Coastal Beach. Temporary impacts to existing lawn and beach grass within the Coastal Dune associated with construction access will be restored to pre-existing conditions upon project completion.

Coastal Beach

Excerpts from 310 CMR 10.27 – Coastal Beach

(2) Definition. Coastal beach is unconsolidated sediment subject to wave, tidal and coastal storm action that forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.

WHEN A COASTAL BEACH IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL OR PROTECTION OF WILDLIFE HABITAT, 310 CMR 10.27 (3) through (7) SHALL APPLY:

(3) Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift Coastal Beach.

The purpose of the proposed cobble renourishment with sand veneer project is to decrease erosion of the coastal beach by increasing the width, height, and volume of the beach with the placement of compatible cobble and sand in the form of cobble renourishment and sand veneer. The proposed project, which is similar to the previously approved project, is expected to have little impact on the adjacent beach which, if any, would be positive as the added renourishment material moves around, supplying sediment to the adjacent beaches during storms.



(4) Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:

(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.

The project does not involve a solid fill structure.

(5) Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.

Clean compatible materials will be used for the proposed cobble renourishment and sand veneer project. Compatible grain size was determined through a comprehensive sediment sampling and analysis investigation that was performed in July 2023. A detailed Sediment Characterization Plan was produced for the subject property and is included in Section E of this NOI package. The Plan was used to determine the grain size distribution for the renourishment template as per CZM guidelines/recommendations.

WHEN A TIDAL FLAT IS DETERMINED TO BE SIGNIFICANT TO MARINE FISHERIES OR THE PROTECTION OF WILDLIFE HABITAT, THE FOLLOWING REGULATION SHALL APPLY:

(6) In addition to complying with the requirements of 310 CMR 10.27(3) and 10.27(4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:

(a) alterations in water circulation,

(b) alterations in the distribution of sediment grain size and

(c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

The project is not located on or near a tidal flat.

(7) Notwithstanding the provisions of Sections 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

Based on comments from MA Natural Heritage Endangered Species Program (NHESP) during previous nourishment projects at this site, the proposed project has been designed



so as not to interfere with wildlife or their habitats. The Applicant will comply with time of year restrictions, limiting work between September 1 and March 31 to avoid impacts to state-listed beach nesting birds. Additionally, a proposed sand veneer will be placed over the entire footprint of the cobble renourishment. Woods Hole Group has designed a project to meet the agency's previous comments at this project site in addition to conforming with slope and grain size requirements.

310 CMR 10.37 - Estimated Habitats of Rare Wildlife (Endangered Species)

See description above.

Coastal Dune

Excerpts from 310 CMR 10.28 – Coastal Dune

(2) Definition: Coastal Dune means any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

WHEN A COASTAL DUNE IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL OR THE PROTECTION OF WILDLIFE HABITAT, 310 10.28(3) THROUGH (6) SHALL APPLY:

(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;*
- (b) disturbing the vegetative cover so as to destabilize the dune;*
- (c) causing any modification of the dune that would increase potential for storm or flood damage;*
- (d) interfering with the landward or lateral movement of the dune;*
- (e) causing removal of sand from the dune artificially; or*
- (f) interfering with mapped or otherwise identified bird nesting habitat.*

The proposed project is not located on the Coastal Dune, however construction access for the project includes transport of a front-end loader and excavator over the Coastal Dune. Temporary impacts to the Coastal Dune are expected from the construction access but will not alter the dune's ability to function normally. All disturbed areas, including vegetation cover, will be restored to pre-existing conditions upon project completion to avoid destabilization of the Coastal Dune.

(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 (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.

The project does not involve existing structures.

(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 proposed project does not include pedestrian pathways or devices designed to increase dune development. The Coastal Dune on 25 East Lane will be replanted with existing vegetation cover after construction is completed to mitigate any temporary impacts caused by construction access over the Coastal Dune.

(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 Species, as identified by procedures established under 310 CMR 10.37.

See Description above for Coastal Beach.

2. Compliance to Chilmark Wetlands Regulations (CWR)

The performance standards for Coastal Beach, Coastal Dune, and Land Subject to Coastal Storm Flowage are addressed below. All of the proposed renourishment will be placed on the Coastal Beach. Temporary impacts to existing lawn and beach grass within the Coastal Dune associated with construction access will be restored to pre-existing conditions upon project completion.

Coastal Beach

Excerpts from CWR 2.02 – Coastal Beaches

(1) Definition

(A) Coastal beach is unconsolidated sediment subject to wave, tidal or coastal storm action which forms the gently sloping shore of a body of salt water, including tidal flats and land which is separated from other land by a body of water or a marsh system. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean. If no bank or dune is present, the beach will extend to the landward limit of beach grasses (refer to Section 11.7 of the Chilmark Zoning Bylaws, Coastal District Regulations.)

(4) Prohibitions



No over-sand motor vehicles will be allowed except for emergencies and pond maintenance.

No over-sand vehicle access is proposed in this project.

No new bulkheads or coastal engineering structures shall be permitted.

No bulkhead or coastal engineering structure is proposed in this project.

No fill shall be placed within 25 feet of a coastal beach or tidal flat.

This beach renourishment project is water dependent and will place compatible sediment on the coastal beach to improve storm damage protection and flood control.

No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering of coastal beaches or tidal flats, or of any land within 50 feet of any coastal beach or tidal flat, shall be permitted by the Commission, except for activity which is allowed under a variance from these regulations granted pursuant to Section 5.01.

The Chilmark Wetlands Protection Bylaw, under Section 2.03(8), allows the use of fill for beach and dune nourishment projects on eroding shorelines: “Fill may be used only if the Commission authorizes its use and only if such fill is to be used for beach and dune nourishment projects or for habitat improvement for rare and endangered species”.

No newly constructed septic system,shall be placed in shifting sands or on a coastal beach.

No newly constructed septic system is being proposed in the project.

Cleaning and raking of a coastal beach is prohibited

No cleaning or raking of the coastal beach is proposed in this project.

Coastal Dune

Excerpts from CWR 2.03 – Coastal Dune

(1) Definition

(A) Coastal Dune is any natural hill, mound, or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune sediment deposited by artificial means also serves the purpose of storm damage prevention or flood control.

(4) Prohibitions

No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering of a coastal dune or any land within 100 feet



of any coastal dune shall be permitted by the Commission, except for activity which is allowed under a variance from these regulations granted pursuant to Section 5.01.

The Chilmark Wetlands Protection Bylaw, under Section 2.03(8), allows the use of fill for beach and dune nourishment projects on eroding shorelines: “Fill may be used only if the Commission authorizes its use and only if such fill is to be used for beach and dune nourishment projects or for habitat improvement for rare and endangered species”.

No newly constructed septic system... shall be placed in shifting sands or on a coastal dune.

No newly constructed septic system is being proposed in the project.

No activity shall be permitted, other than the maintenance and repair of a structure existing on the effective date of these regulations, that will result in construction of a building upon a coastal dune or within 100 feet from any delineated coastal dune.

No building is proposed in this project.

No new bulkheads or coastal engineering structures shall be permitted in dune areas.

No bulkhead or coastal engineering structure is proposed in this project.

No excavation or disturbance of vegetative cover shall be allowed on a coastal dune unless the area is completely and successfully restored, replanted and stabilized to its original form and volume.

The Coastal Dune will be used for construction access. The area will be replanted with existing vegetation cover after construction is completed to mitigate any temporary impacts caused by construction access over the Coastal Dune.

Land Subject to Coastal Storm Flowage

Excerpts from CWR 2.10 – Land Subject to Coastal Storm Flowage

(2) Regulations

When land subject to coastal storm flowage is determined to be significant to an interest protected by the Bylaw, the following regulations shall apply:

(A) The work shall not reduce the ability of the land to absorb and contain floodwaters, or to buffer inland area from flooding and wave change.

The proposed project will have no impact on the ability of the land to absorb or contain floodwaters. All of the materials being placed on the beach are coarse grained in nature and have high porosity. Floodwaters will flow through the cobble renourishment and sand veneer as efficiently as they continue to do presently.



(B) This project does not trigger pollution by coastal storm flowage.

(C) The project does not involve a septic system.

(D) The proposal shall not alter land subject to coastal storm flowage which is significant to wildlife and their habitats.

The proposed project has been designed so as not to interfere with wildlife or their habitats. At the request of NHESP, the Applicant will comply with time of year restrictions and slope and grain size requirements for state-listed beach nesting birds.

Section D

Alternatives Analysis



D. ALTERNATIVES ANALYSIS

This alternatives analysis was developed as part of the Notice of Intent (NOI) application to the Chilmark Conservation Commission for cobble and sand renourishment at 25 East Lane. The purpose of the project is to increase the elevation and width of the coastal beach, providing a more resilient storm buffer for the coastal bank. The Applicant proposes to renourish the coastal beach because the previous two nourishment projects, permitted under DEP File No. SE 12-0702, were successful at minimizing erosion of the coastal bank while having no negative impacts to adjacent beaches as evidenced by the previously required bi-annual monitoring survey data. Alternatives considered are described below.

Alternative 1 – No Action Alternative – End of Resiliency Program

The no action alternative will result in continued erosion and steepening of the coastal beach and coastal bank on the subject property. The buffer zone between the top of the bank and upland infrastructure will decrease over time and will result in a loss of open space, wildlife habitat, and native species such as Bayberry, Seaside Goldenrod, American Beach Grass, and Poison Ivy. Based on CZM shoreline change data (see Project Narrative), short term average erosion rates of 3+ feet per year will result in complete loss of the buffer zone over the next twenty years. In an on-going effort to build resiliency along the shoreline and offset impacts of coastal bank erosion, the no action alternative is not a feasible or recommended option for this property.

Alternative 2 – Large-Scale Cobble Nourishment

Large-scale beach nourishment improves resiliency of the shoreline, provides a sediment source for downdrift beaches and dunes, and can enhance wildlife habitat. Nourishment also provides storm damage protection and flood control to upland areas by providing a buffer between the ocean and landward assets or resources. A large-scale nourishment template would involve adding significant quantities of cobble and sand to expand the width and height of the beach. The project would entail several thousand cubic yards of material and extend below the Mean High Water line.

The installation of a large-scale beach nourishment project was considered for the subject property because large-scale beach nourishment is more effective at reducing erosion for longer periods of time and is more cost effective. However, the wider footprint would extend across sensitive rocky intertidal habitat and was ruled out due to potential resource area impacts and permitting complexities.

Alternative 3 – Small-Scale Cobble and Sand Renourishment (Preferred Alternative)

The preferred alternative proposes a third round of small-scale cobble and sand renourishment because this previously permitted method has been effective at minimizing erosion of the coastal bank since the first installation in 2020, while having no impact on adjacent beaches per the four years of monitoring data. The cobble and sand nourishment has provided a compatible storm buffer between the coastal bank and open ocean by increasing the elevation and width of the coastal beach, providing a natural wave break farther offshore.






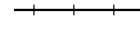
The proposed project includes the reinstallation and maintenance of 890 cubic yards of cobble renourishment above the High Tide Line (HTL), along approximately 353 linear feet of the coastal beach. It also includes 147 cubic yards of sand renourishment on top of the cobble. Based upon the results of the previous two projects at 25 East Lane, the cobble and sand renourishment may be expected to require maintenance every 2-3 years. For further details, see Project Narrative.

The Chilmark Wetlands Protection Bylaw, under Section 2.03(8), allows the use of fill for beach and dune nourishment projects on eroding shorelines: “Fill may be used only if the Commission authorizes its use and only if such fill is to be used for beach and dune nourishment projects or for habitat improvement for rare and endangered species”. Therefore, the proposed project conforms to the Town of Chilmark’s Bylaws for increasing beach resiliency.

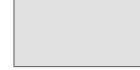



Section E

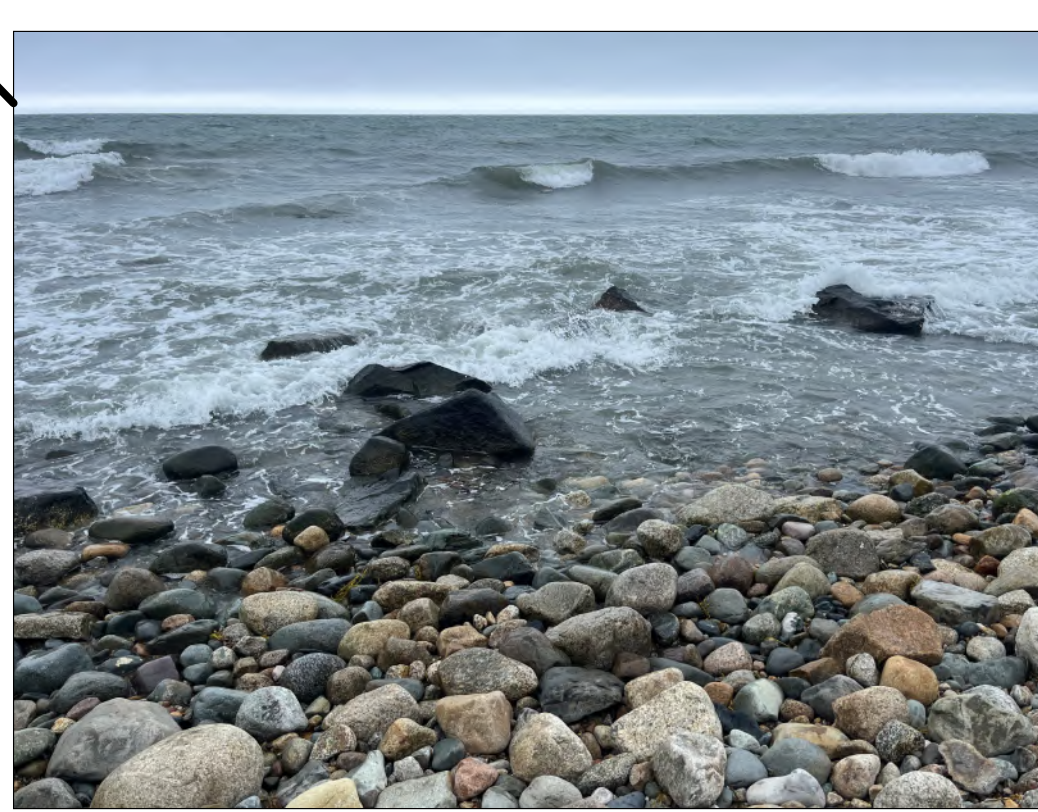
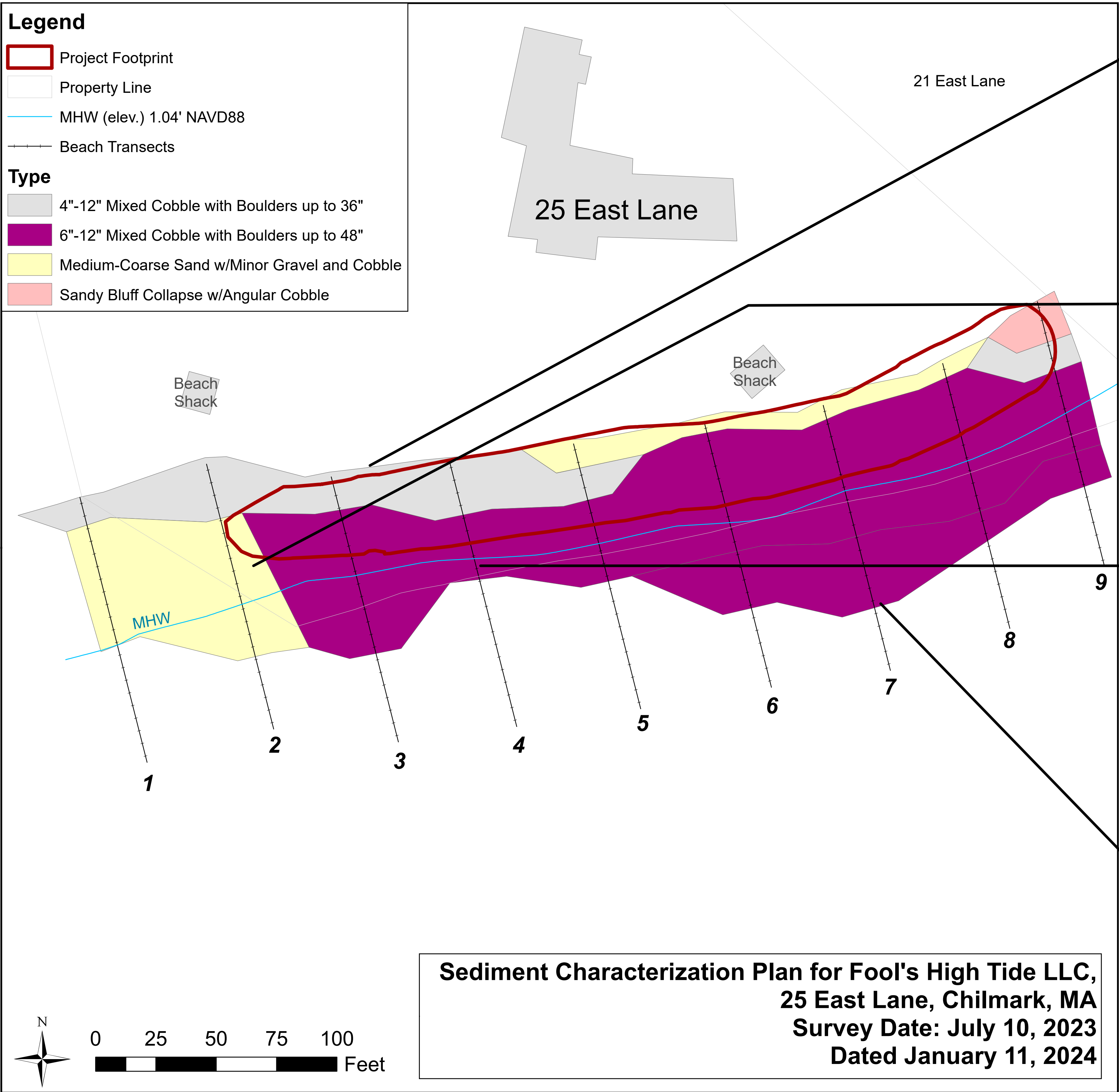
Sediment Characterization Plan

Legend

-  Project Footprint
-  Property Line
-  MHW (elev.) 1.04' NAVD88
-  Beach Transects

Type

-  4"-12" Mixed Cobble with Boulders up to 36"
-  6"-12" Mixed Cobble with Boulders up to 48"
-  Medium-Coarse Sand w/Minor Gravel and Cobble
-  Sandy Bluff Collapse w/Angular Cobble



**Sediment Characterization Plan for Fool's High Tide LLC,
25 East Lane, Chilmark, MA
Survey Date: July 10, 2023
Dated January 11, 2024**

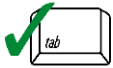
Section F

Wetlands Fee Transmittal Form & Fee



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:

<u>25 East Lane</u>	<u>Chilmark</u>
a. Street Address	b. City/Town
<u>002026</u>	<u>\$693.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Fain</u>	<u>Hackney, Trustee</u>	
a. First Name	b. Last Name	
<u>Fool's High Tide, LLC</u>		
c. Organization		
<u>c/o Reynolds, Rappaport, Kaplan & Hackney, LLC, PO Box 2540</u>		
d. Mailing Address		
<u>Edgartown</u>	<u>MA</u>	<u>02539</u>
e. City/Town	f. State	g. Zip Code
<u>508-627-3711</u>	<u>fhackney@rrklaw.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
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
353+/- LF Cobble Renourishment	1	\$4 LF	\$1,412
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$1,412
Step 6/Fee Payments:			
Total Project Fee:			<u>\$1,412</u>
State share of filing Fee:			<u>\$693.50</u>
City/Town share of filing Fee:			<u>\$718.50</u>
			a. Total Fee from Step 5
			b. 1/2 Total Fee less \$12.50
			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.)

Woods Hole Group, Inc

Date January 25, 2024

Id Number S10499
Pymt Cycle FCHQA2401FIN0117

COMMONWEALTH OF MASSACHUSETTS
, MA,

Transaction Date	Transaction Type	Our Ref	Supplier Reference	Payment amount USD	
2024/01/25	FAF	SIN2401FIN200	NOI Filing Fee	693.50	693.50
				Total Remittance	USD 693.50

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES



107 Waterhouse Road
BOURNE, MA 02532
UNITED STATES
+1(508)540-8080

HSBC BANK USA NA
BUFFALO, NEW YORK

002026
1 - 108

210

PAY
TO THE
ORDER
OF:

SIX HUNDRED AND NINETY THREE US DOLLARS FIFTY US CENTS

DATE
01/25/2024

AMOUNT
USD 693.50

COMMONWEALTH OF MASSACHUSETTS
, MA,

NOI Filing Fee

R.P. Hamilton Jr

Woods Hole Group, Inc

Date January 25, 2024

Id Number S11063
Pymt Cycle FCHQA2401FIN0113

Town of Chilmark

Transaction Date	Transaction Type	Our Ref	Supplier Reference	Payment amount USD	
2024/01/25	FAF	SIN2401FIN201	NOI Filing Fee	718.50	718.50
				Totat Remittance	USD 718.50

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES



107 Waterhouse Road
BOURNE, MA 02532
UNITED STATES
+1(508)540-8080

HSBC BANK USA NA
BUFFALO, NEW YORK

002022

1 - 108

210

DATE
01/25/2024

AMOUNT
USD 718.50

PAY SEVEN HUNDRED AND EIGHTEEN US DOLLARS FIFTY US CENTS

TO THE ORDER OF: Town of Chilmark

NOI Filing Fee

Woods Hole Group, Inc

Date January 25, 2024

Id Number S10498
Pymt Cycle FCHQA2401FIN0115

COMMONWEALTH OF MASS-NHESP

Transaction Date	Transaction Type	Our Ref	Supplier Reference	Payment amount USD	
2024/01/25	FAF	SIN2401FIN202	NOI Filing Fee	300.00	300.00
				Total Remittance	USD 300.00

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES



107 Waterhouse Road
BOURNE, MA 02532
UNITED STATES
+1(508)540-8080

HSBC BANK USA NA
BUFFALO, NEW YORK

002024
1 - 108

210

PAY TO THE ORDER OF: THREE HUNDRED US DOLLARS
COMMONWEALTH OF MASS-NHESP

DATE 01/25/2024 AMOUNT USD 300.00

NOI Filing Fee

R.P. Hamilton

Section G

Abutters List and Abutter Notification



300 foot Abutters List Report

Chilmark, MA
January 24, 2024

Subject Property:

Parcel Number: 032-068-01
CAMA Number: 032-068-01
Property Address: 25 EAST LN

Mailing Address: FOOLS HIGH TIDE LLC
C/O F HACKNEY REYNOLDS RAPPA PO
BOX 2540
EDGARTOWN, MA 02539

Abutters:

Parcel Number: 032-038-01
CAMA Number: 032-038-01
Property Address: 0 STONEWALL RD

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

Parcel Number: 032-038-02
CAMA Number: 032-038-02
Property Address: 83 STONEWALL RD

Mailing Address: HANNAN JUDITH
1 JOHN ST PHB
BROOKLYN, NY 11201

Parcel Number: 032-065-00
CAMA Number: 032-065-00
Property Address: 14 EAST LN

Mailing Address: CLETHRA LLC
C/O HEATHER ROBB 200 MAIN ST
WENHAM, MA 01984

Parcel Number: 032-066-00
CAMA Number: 032-066-00
Property Address: 0 EAST LN

Mailing Address: HACKNEY S FAIN TRUSTEE ; 21 EAST
LN RE TR
C/O REYNOLDS RAPPAPORT & KAP PO
BOX 2540
EDGARTOWN, MA 02539

Parcel Number: 032-067-00
CAMA Number: 032-067-00
Property Address: 21 EAST LN

Mailing Address: HACKNEY S FAIN TRUSTEE ; 21 EAST
LN REALTY TRUST
C/O REYNOLDS, RAPPAPORT, KAPLA
PO BOX 2540
EDGARTOWN, MA 02539

Parcel Number: 032-068-02
CAMA Number: 032-068-02
Property Address: 100 BEACH LOT STONEWALL

Mailing Address: STONEWALL BEACH ASSOC., LLC
C/O COUCH FAMILY ADVISORS PO BOX
151
HANOVER, NH 03755

Parcel Number: 032-069-00
CAMA Number: 032-069-00
Property Address: 101 BEACH LOT STONEWALL

Mailing Address: STONEWALL BEACH ASSOC., LLC
C/O COUCH FAMILY ADVISORS PO BOX
151
HANOVER, NH 03755

Parcel Number: 032-070-00
CAMA Number: 032-070-00
Property Address: 95 STONEWALL RD

Mailing Address: MORRIS ROBERT T
28 ARLINGTON ST
CAMBRIDGE, MA 02140

Parcel Number: 032-071-00
CAMA Number: 032-071-00
Property Address: 86 STONEWALL RD

Mailing Address: CS RE 1 LLC ; GADSDEN
SCHNEIDER & WOODWARD
C/O KAREN SMITH 1275 DRUMMERS LN
STE# 210
WAYNE, PA 19087-1571



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.



300 foot Abutters List Report

Chilmark, MA
January 24, 2024

Parcel Number: 032-072-00
CAMA Number: 032-072-00
Property Address: 11 EAST LN

Mailing Address: DANCING MEADOW PARTNERS LLC
59 TUMBLEBROOK RD
WOODBIDGE, CT 06525



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.

1/24/2024

Page 2 of 2

**NOTIFICATION TO ABUTTERS AND PROPERTY OWNERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
M.G.L. Chapter 131 Section 40**

Return Receipt Requested

RE: Conservation Commission Filing

TO WHOM IT MAY CONCERN:

As a person listed as an abutter or owning property within 300 feet of the property listed below, please be advised that a Notice of Intent has been filed at the Chilmark Conservation Commission regarding said property, which is subject to protection under the Massachusetts Wetlands Protection Act and the Ordinances of the Town of Chilmark. Additional details are as follows:

APPLICANT:	Fool's High Tide, LLC
PROPERTY LOCATION:	25 East Lane Chilmark, MA
ASSESSOR'S MAP/PARCEL:	Map 32, Parcel 68.1
DESCRIPTION:	Proposed Cobble and Sand Renourishment
AGENT:	Woods Hole Group, Inc. Attn: Tara Marden 107 Waterhouse Road Bourne, MA 02532 tmarden@woodsholegroup.com
PUBLIC HEARING:	WILL BE HELD REMOTELY VIA ZOOM Date: March 7, 2024 Time: 9:00am

See agenda posting on Conservation Commission website available at least 48 hours in advance of the meeting for details.

Plans and application describing the proposed activity are on file with the Chilmark Conservation Commission and in the office of Woods Hole Group, Inc., and may be examined or obtained free of charge at those locations. If you have questions or desire to comment for the record, do not hesitate to contact Tara Marden at (508) 397-9689 or the Chilmark Conservation Commission at (508) 645-2104.

NOTE: Notice of the virtual hearing, including its date, time, and place will be published at least five (5) days in advance in the local newspaper.

You may also contact the nearest Department of Environmental Protection Regional (DEP) Office for more information about this application, or the Wetlands Protection Act. To contact DEP Southeast Regional Office, call (508) 946-2800.

Section H

Affidavit of Service

Job No. 2010-0074-00

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act, M.G.L. CH131, Sec. 40

(to be submitted to the Massachusetts Department of Environmental Protection
and the Conservation Commission when filing a Notice of Intent)

I, Beth Gurney, of The Woods Hole Group, Inc., hereby certify under the pains and penalties of perjury that on January 30, 2024, I sent notification to abutters, in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40, and the Department of Environmental Protection's Guide to Abutter Notification, dated, April 8, 1994, in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Protection By-law, by Fool's High Tide, LLC, with the Chilmark Conservation Commission on January 30, 2024, for property located at 25 East Lane, Map 32, Parcel 68.1 in Chilmark, MA.

The form of the notification and a list of the abutters to whom the notice was given and their addresses are attached to this Affidavit of Service.



Name

January 29, 2024

Date

Section I

Project Maps and Plans



107 Waterhouse Road
 Bourne, MA 02532

Fool's High Tide, LLC
 25 East Lane
 Chilmark, MA
 USGS Squibnocket Quadrangle
 Map Scale 1:24,000



GIS Locus Map

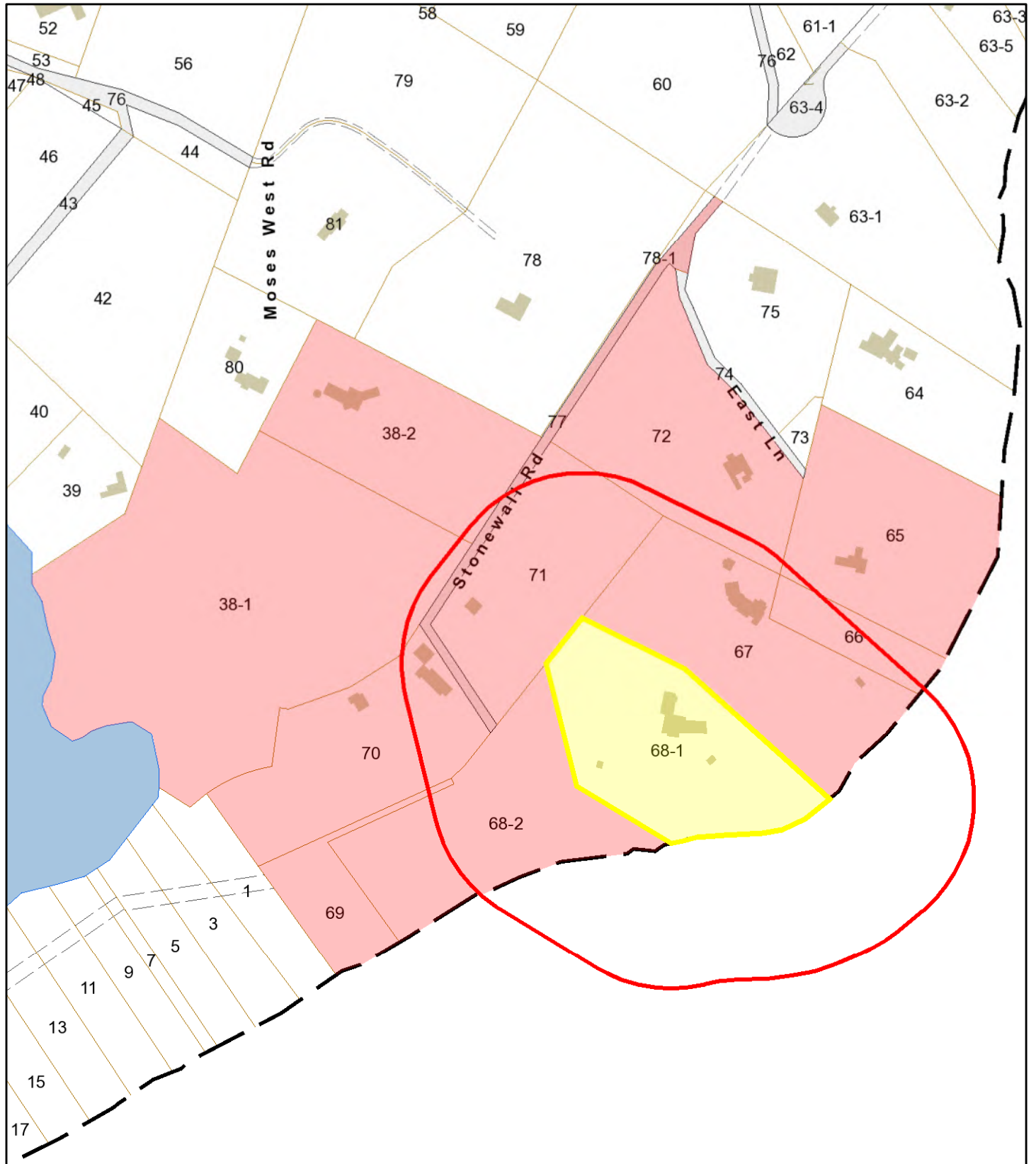
Chilmark, MA



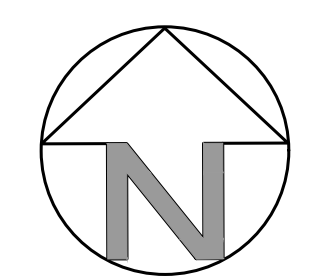
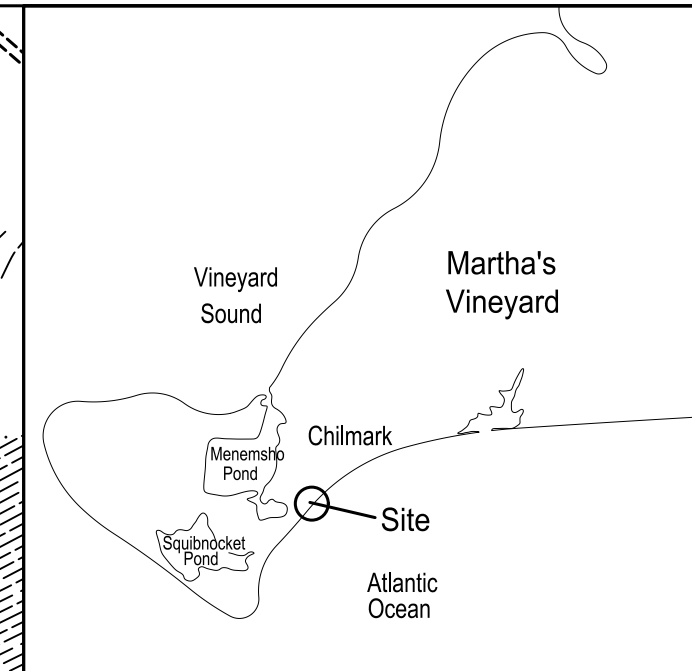
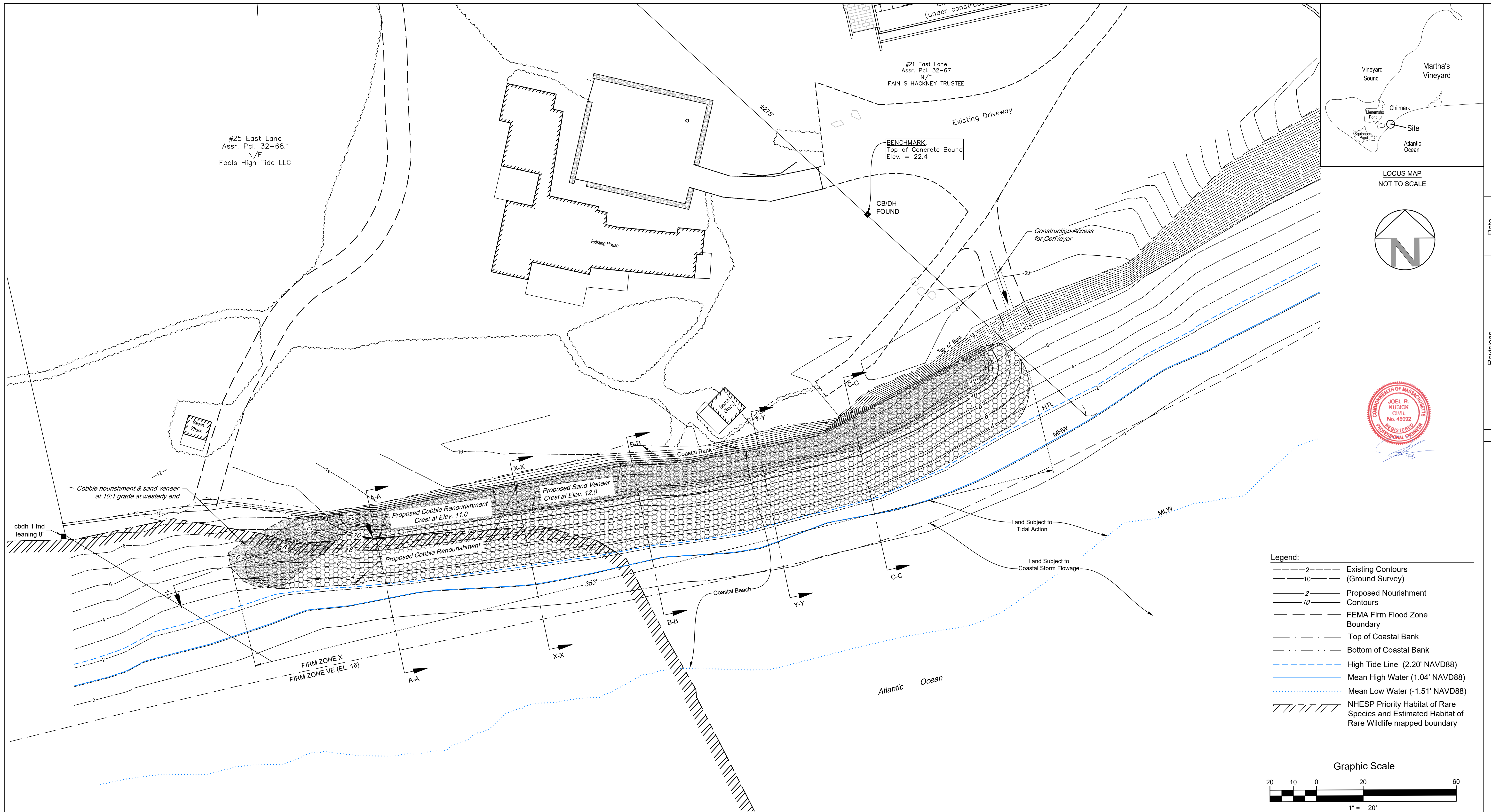
August 23, 2023

1 inch = 282 Feet

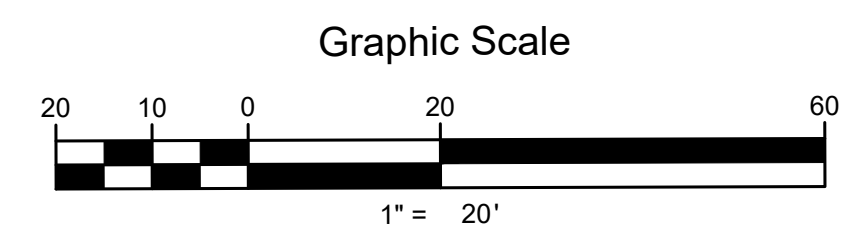
www.cai-tech.com



Data shown on this map 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 map.



- Legend:**
- - - - - Existing Contours (Ground Survey)
 - - - - - Proposed Nourishment Contours
 - - - - - FEMA Firm Flood Zone Boundary
 - - - - - Top of Coastal Bank
 - - - - - Bottom of Coastal Bank
 - - - - - High Tide Line (2.20' NAVD88)
 - - - - - Mean High Water (1.04' NAVD88)
 - - - - - Mean Low Water (-1.51' NAVD88)
 - - - - - NHESP Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife mapped boundary



General Notes:

1. The purpose of this project is to construct a cobble renourishment as shown on the plan and details. The proposed work includes the construction of a cobble renourishment along a portion of the property at the base of the existing natural coastal bank. The bank is composed of glacial till and is subject to ongoing coastal erosion. Therefore, the proposed cobble renourishment is designed to reduce the erosion of the coastal bank, while mimicking the natural surrounding cobble beach environment. The design is intended to replicate the existing, natural cobble berm that exists at Stonewall Pond.
2. Performance of the work shall be in compliance with the plans and details, and any permit requirements issued by the Town of Chilmark for the referenced project and described herein.
3. Construction access as indicated on plan. Upon completion all disturbed areas to be re-graded and re-vegetated to match pre-construction conditions.
4. Any fill material required should be clean, beach compatible sediment brought to the site by the contractor.
5. All work will be completed from the beach.
6. During periods of high water levels, all equipment will be moved to the construction access area.
7. The cobbles shall be dumped over the bank onto the beach. Cobble shall be moved with equipment and brought to elevation/grading specifications as indicated on plans. Cobble slopes not properly graded, upon Engineer's judgment, shall be re-graded to the Engineer's satisfaction.
8. The transition between the section AA and existing profile shall smoothly taper in crest elevation to follow the existing grade of the beach. The crest of the cobbles shall be maintained at an elevation of 11.0 ft-NAVD88 over the distance between sections A-A and C-C.
9. The cobble renourishment, bank, and the beach shall be inspected following the completion of the work, as well as approximately 28 days (one full lunar tidal cycle) after construction.
10. The cobble renourishment has not been designed for any specific storm event.
11. The cobble renourishment shall be constructed of clean, rounded cobble and boulders which will be compatible with the existing coastal beach in order to mimic the existing environment.
12. A 20 foot wide pathway for construction equipment shall be constructed at the toe of the slope with 200 cubic yards of 6" - 12" diameter cobbles.
13. The cobble renourishment shall be constructed with 890 cubic yards of a mix of cobbles (25% 4" - 12" diameter and 75% 6" - 12" diameter), not to exceed a slope of 2.5:1 except the westerly end should be graded at 10:1.
14. 147 cubic yards of beach compatible sand will be placed over the top of the cobble as mitigation. The sand placement will not exceed a slope of 3:1, on top of the installed cobble renourishment crest, except where it will be graded at a 10:1 slope over the westerly end of the cobble renourishment.
15. The proposed project includes an innovative application of a cobble renourishment. The project is intended to replicate the natural cobble beach and berm that exists at the neighboring Stonewall Pond beach location. The owner must be aware that this design represents a unique approach to coastal erosion control and its utilization in this environment has not been extensively tested. Woods Hole Group cannot make warranties and encourages diligent inspection and potential maintenance.
16. The proposed design is experimental in nature and is not expected to be a long-term solution. The design is susceptible to damage during coastal storms and potentially significant damage during large coastal storm events.
17. Due to the nature of the design, significant mobilization and shifting of the cobbles are expected. These movements are expected to be most significant during storm events and the nature and pathways of the movement is unknown.
18. A portion of the site is within Priority Habitat and Estimated Habitat per the 15th Edition of the NHESP atlas dated August 1, 2021.

Permit Plan:

This plan is for permitting purposes only. The plan describes the full scope of the project. Contractor shall coordinate with the Engineer for detailing prior to providing a bid on this project.

Datum Notes:

1. Elevations are referenced to NAVD88 vertical datum (in feet).
2. Mean Low Water (MLW) Elevation is approximately -1.51 feet.
3. Mean High Water (MHW) Elevation is approximately 1.04 feet.
4. High Tide Line (HTL) Elevation is approximately 2.20 feet.

Survey Note:

The existing conditions topographic survey was conducted by Vineyard Land Surveying and Engineering, Inc. on July 27, 2023.

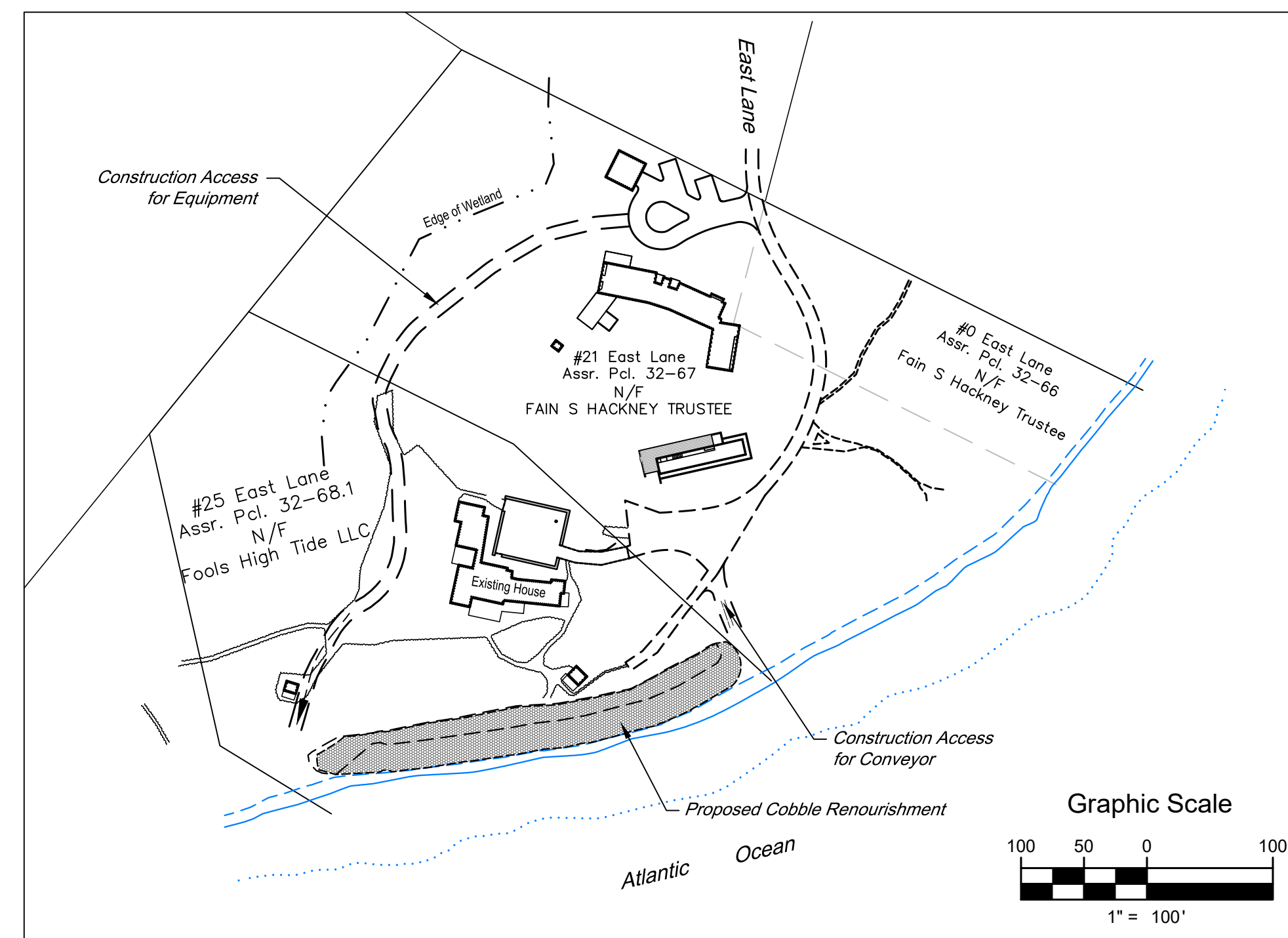
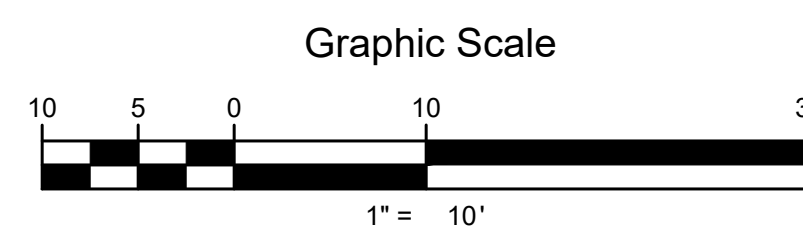
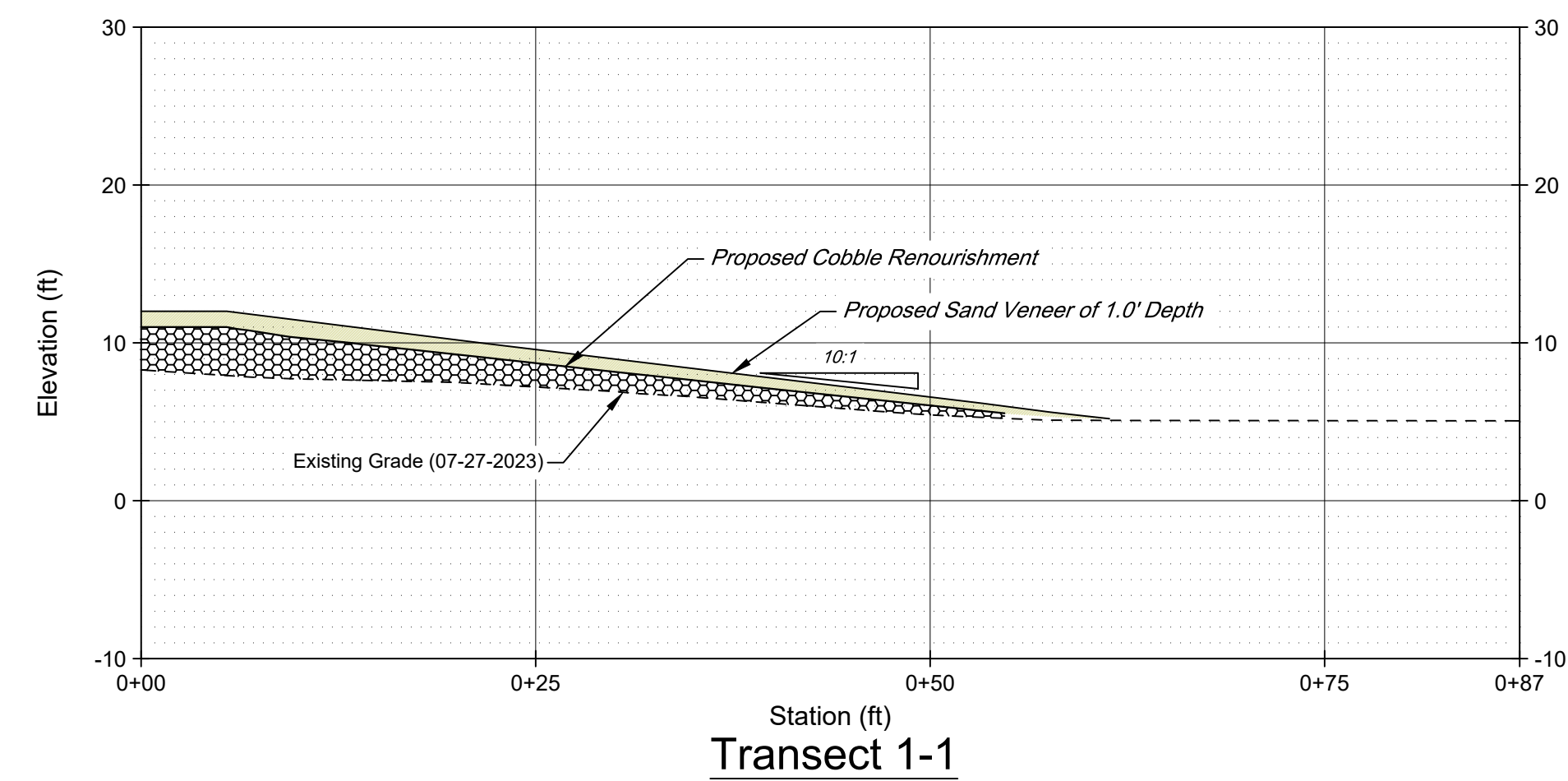
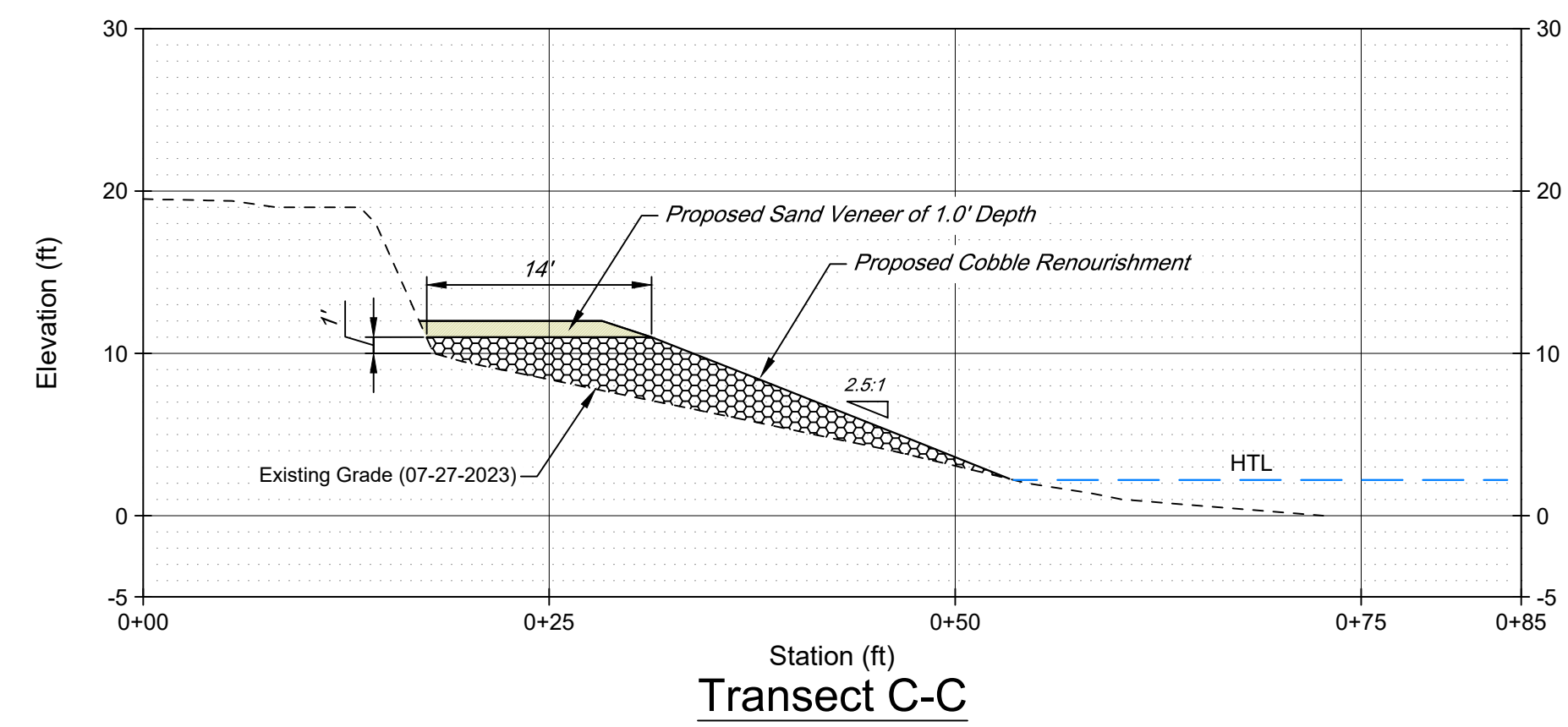
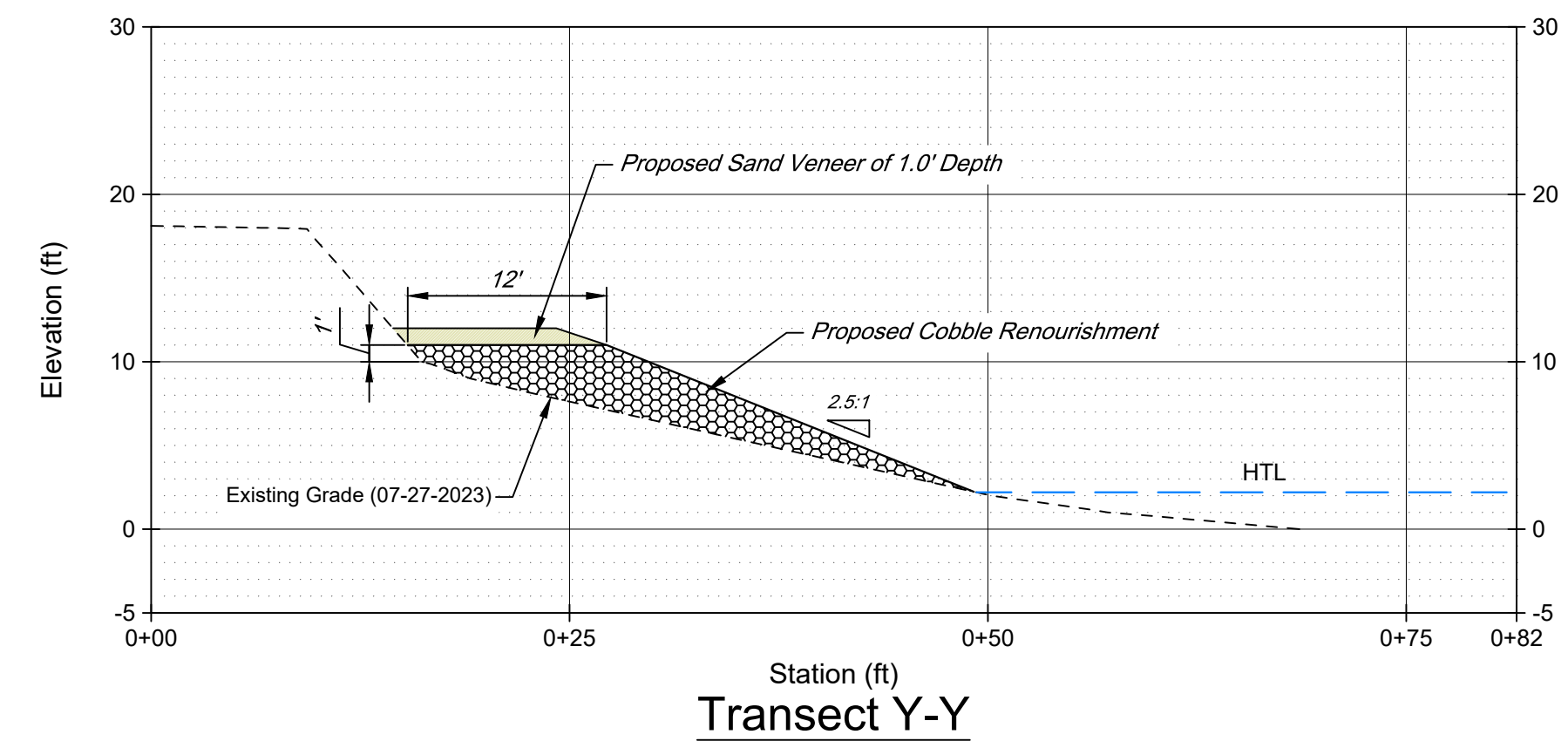
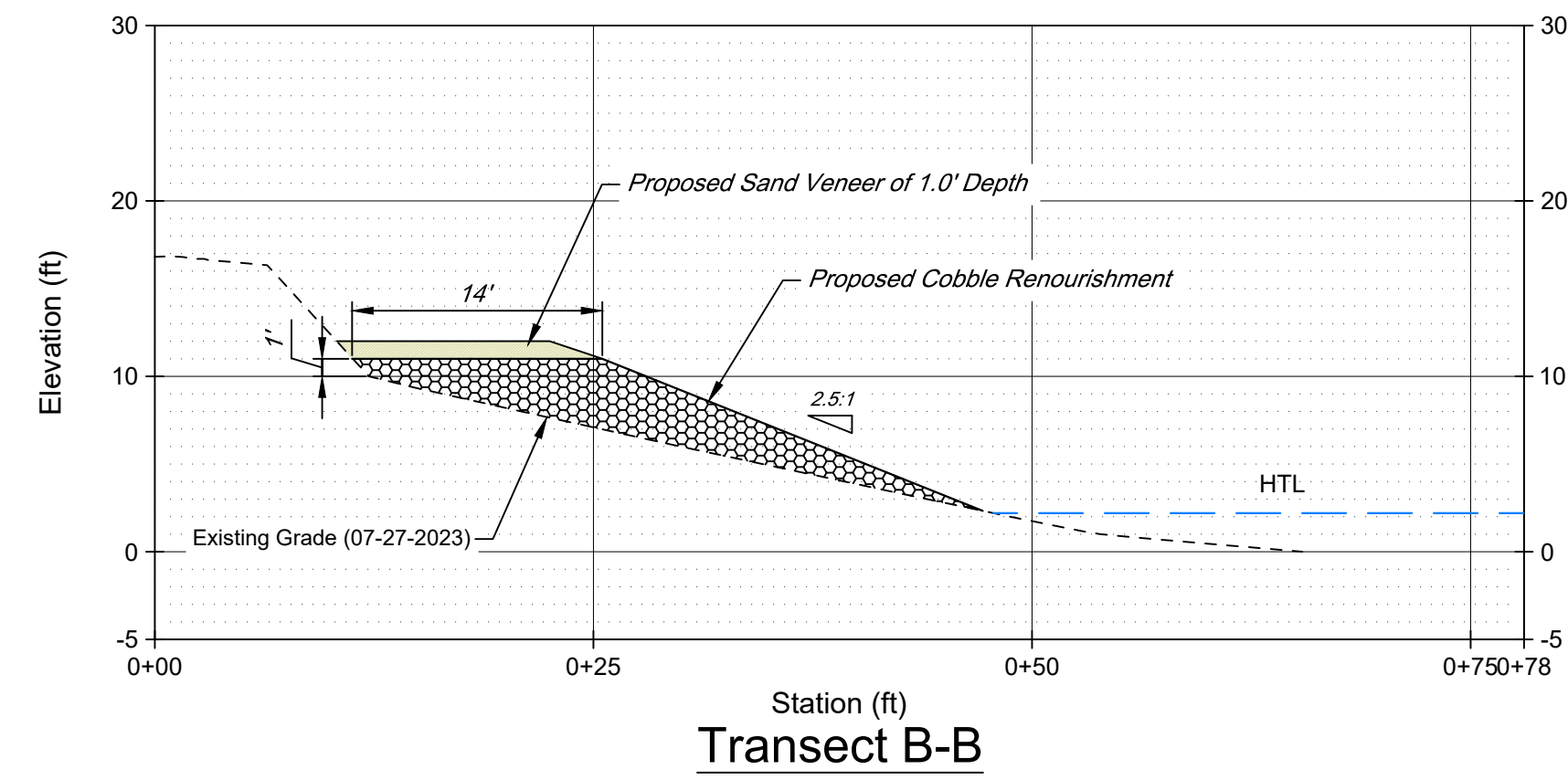
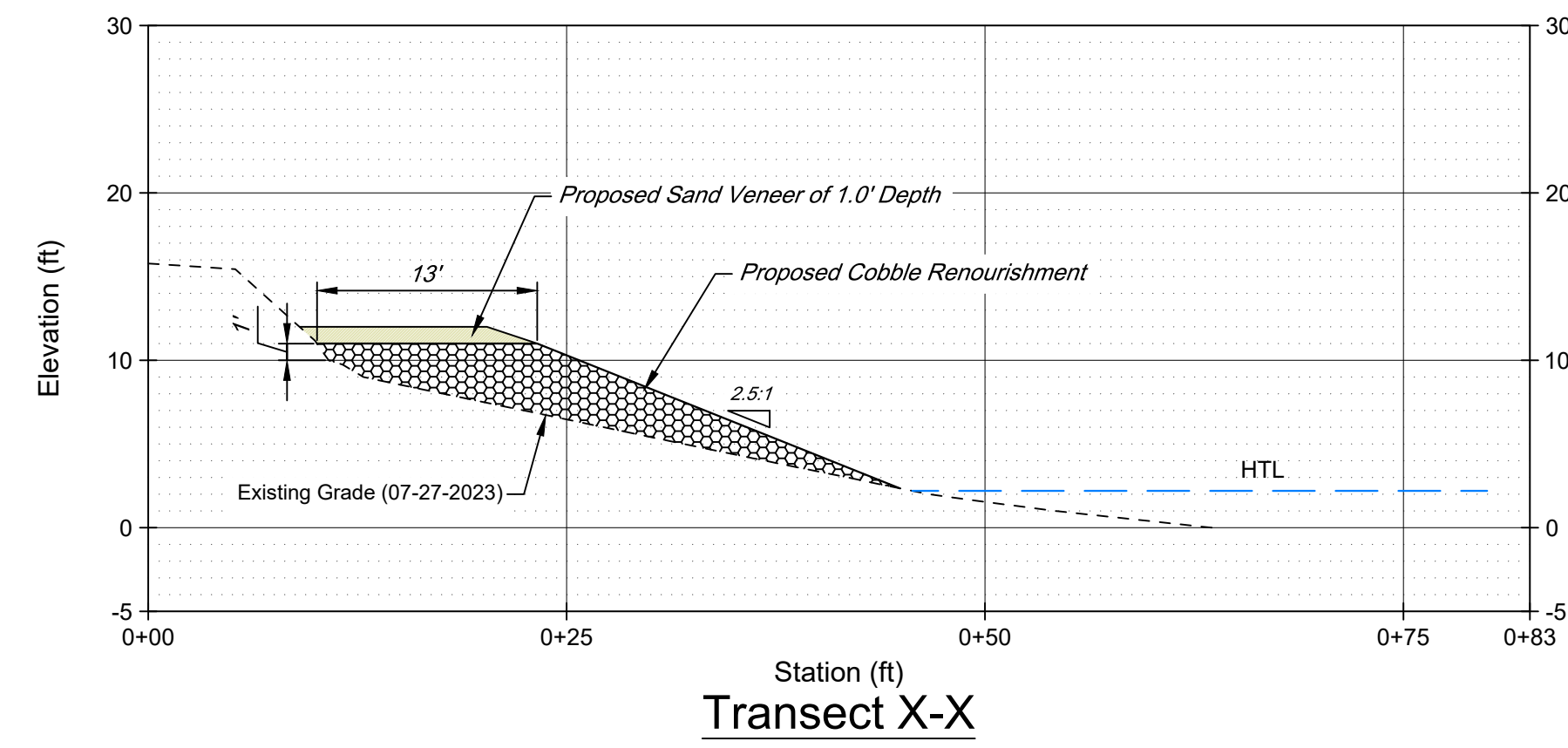
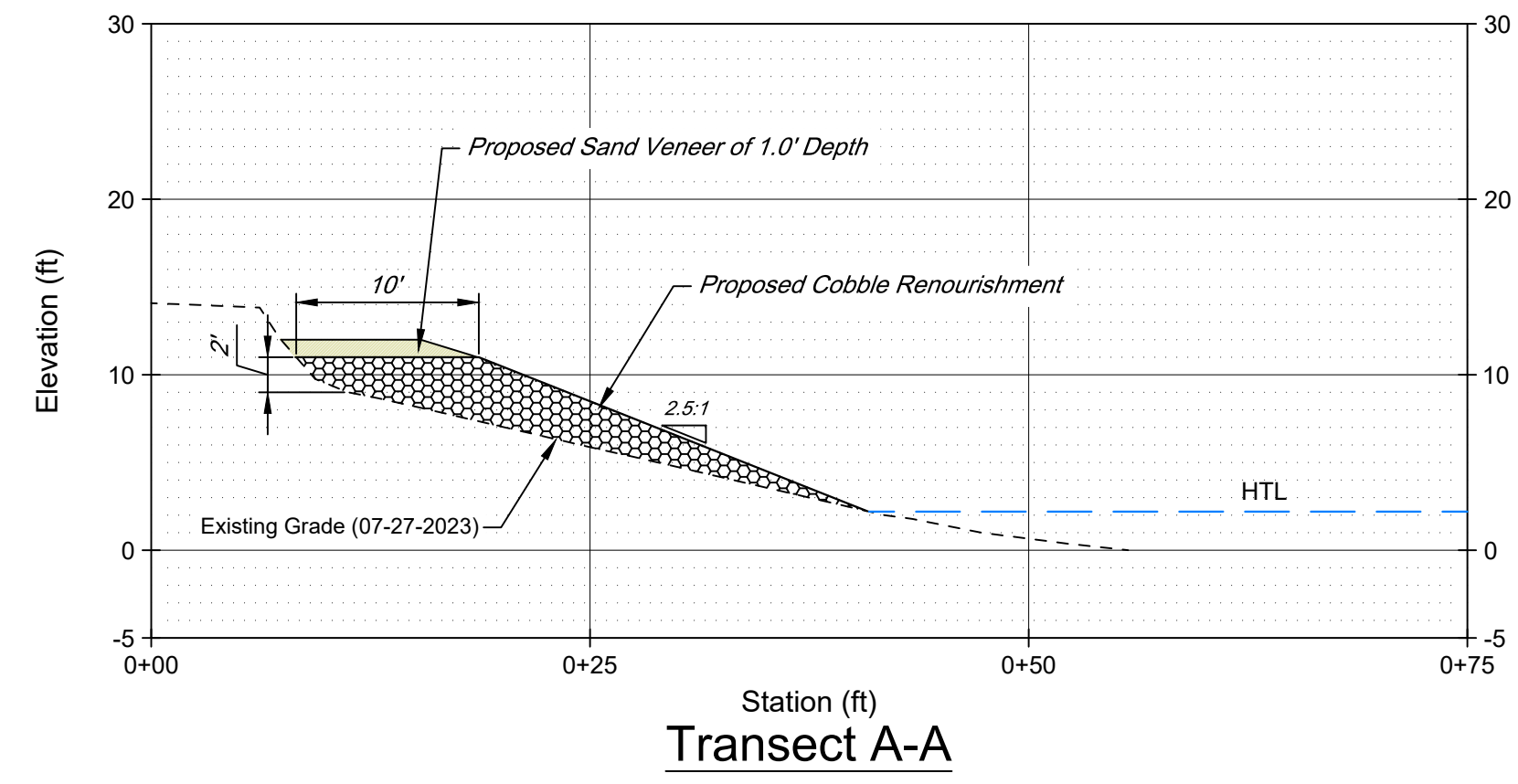
WOODS HOLE GROUP
A C.L.S. COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (978) 540-8880 FAX: (978) 540-1001

Date	Revisions

SITE PLAN
PROPOSED BEACH RENOURISHMENT
PREPARED FOR:
FOOL'S HIGH TIDE, LLC
CHILMARK, MA

Title:

Project Number: 2010-074-00
Drawing File: 2010-074-00_25_EBH_Ln.dwg
Scale: 1" = 20'
Date: December 19, 2023
Approved: _____
Drawn: LMP



Date	Revisions
	1
	2
	3
	4
	5
	6

PROFILES OF PROPOSED BEACH RENOURISHMENT
 PREPARED FOR:
FOOL'S HIGH TIDE, LLC
 CHILMARK, MA

Title:
 Project Number: 2010-074-00
 Drawing File: 2010-074-00_25_East_Lin.dwg
 Scale: As Shown
 Date: December 19, 2023
 Approved:
 Drawn: LMP