

 **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 8614

March 29, 2024

Chilmark Conservation Commission
Town Hall
Chilmark, MA 02535

Re: Merkel - Shanus artesian water diversion
17 Howell Lane - Chilmark Assessor's Parcel 27-3

Dear members:

On behalf of our clients, Stephen Merkel and Robin Shanus, we are filing a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw to replace an existing diversion conduit for the control of seasonal artesian ground water discharging from a domestic well casing at the above referenced property.

Please find the following regarding this matter:

1. Request for Determination of Applicability with locus map
2. Artesian Relief Line Site Plan dated March 29, 2024
3. Copy of cover letter to DEP-SERO

Your consideration of this matter is appreciated. Please feel free to contact me with any questions.

Sincerely,



Christopher P. Alley
Project Manager

DEP-SERO

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MV 8614

March 29, 2024

Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Re: Merkel-Shanus artesian water diversion
17 Howell Lane – Chilmark Assessor's Parcel 27-3

Dear Reviewer:

On behalf of our clients, Stephen Merkel and Robin Shanus, we are filing a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act and the Chilmark Wetlands Bylaw to replace an existing diversion conduit for the control of seasonal artesian groundwater discharging from a domestic well casing at the above referenced property.

Please find the following regarding this matter:

1. Request for Determination of Applicability with USGS locus map
2. Artesian relief Line Site Plan dated March 29, 2024
3. Copy of cover letter to Chilmark Conservation Commission

Your consideration of this matter is appreciated. Please feel free to contact me with any questions.

Sincerely,



Christopher P. Alley
Project Engineer

cc: Chilmark Conservation Commission ✓



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Chilmark
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Stephen Merkel and Robin Shanus, Trs.

Name

E-Mail Address

c/o SB&H, Inc. PO Box 339

Mailing Address

Vineyard Haven

MA

02568

City/Town

State

Zip Code

508-693-2781

508-693-6055

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Schofield, Barbini, & Hoehn, Inc

Firm

Christopher P. Alley

calley@sbhinc.net

Contact Name

E-Mail Address

12 Surveyors Lane - PO Box 339

Mailing Address

Vineyard Haven

MA

02568

City/Town

State

Zip Code

508 693 2781

508 693 6055

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Chilmark make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Chilmark Wetlands Bylaw

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

17 Howell Lane

Street Address

27

Assessors Map/Plat Number

Chilmark

City/Town

3

Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

meadow, gravel roadway (Howell Lane), vegetated roadside

c. Plan and/or Map Reference(s):

Artesian Relief Line Site Plan (SB&H, Inc.)

Title

March 29, 2024

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Proposed replacement of an existing PVC and ADS pipe (crushed) used to divert and control seasonal artesian discharge from an existing domestic water supply well. Currently, uncontrolled artesian flow runs down Howell Lane compromising the road surface and eventually discharging into adjacent wetlands carrying fines and roadbed contaminants. The proposal will re-establish historical flow control allowing uncontaminated groundwater to recharge wetlands. Erosion protection measures will be put in place between discharge and wetlands to protect against scour.



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

All work falls within Buffer Zone only and within developed landscape (meadow), gravel roadbed (Howell Lane), and the alignment of exiting crushed conduit

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Chilmark

City/Town

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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Stephen Merkel and Robin Shanus, Trs.

Name

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

Mailing Address

Vineyard Haven

City/Town

MA

State

02568

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

March 29, 2024

Date

