

COVER SHEET

To: Department of Environmental Protection

Box 4062

Boston, MA 02211

From: Deborah M. Packer

Post Office Box 82

Menemsha, Ma 02552

Appeal Type:

Abutter Appeal of Superseding Order of Conditions NOI #012-0891

Included in Packet:

1. Cover Sheet
2. Request for Departmental Action Fee Transmittal Form
3. Appeal Statement
3. Supporting Document's:
 - a. WAP Form 3 NOI and NOI Wetland Fee Transmittal Form
 - b. Abutters List included with NOI #
 - c. Certificate of Title: Mr. Donald Smith
 - d. Assignment of Life Estates, Rights, Easement & License: RMJ DOCK LLC
 - e. locus
4. Check # 647 \$120.00

Summited for Consideration by:



Deborah M. Packer. July 24, 2022

CC by Certified Mail:

- MassDEP Southeast Regional Office. 20 Riverside Drive, Lakeville, MA 02347
- Vineyard Land Surveying and Engineering P.O. Box 421 West Tisbury, MA 02575
- Chilmark Conservation Commission:
c/o Chilmark Town Hall P.O. Box 119 Chilmark, MA 02535

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: **4**

Provided by DEP _____

A. Request Information

1. Location of Project

16 Harbor Hill Road
647
Menemsha in the town of Chilmark
\$120.00

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



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

Deborah Packer
P.O. Box 82
Menememsha MA 2552
508.560.3921
Fax Number _____ menemshabythesea@gmail.com

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

RMJ Dock LLC
Vineyard Land Surveying & Engineering ~representative
P.O. Box 421 West Tisbury MA 2575
508.693.3774
Fax Number _____ reid@vlse.net

4. DEP File Number:

012-0891

B. Instructions

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

Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

Superseding Determination of Applicability – Fee: \$120

Superseding Order of Resource Area Delineation – Fee: \$120

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: **4**
Provided by DEP _____

Department of Environmental Protection
Box 4062
Boston, MA 02211

B. Instructions (cont.)

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

APPEAL STATEMENT

My appeal is due to a procedural oversights in the WAP FORM 3 NOTICE OF INTENT application. #012-0891. At the public hearing for this NOI on July 19, 2022, the concerns of these oversights were presented to the Conservation Commission of the Town of Chilmark for consideration. A motion was made and seconded to postpone the hearing for further review of the NOI documents. The motion to postpone the hearing was overruled 4-3.

The appeal of the decision by the Conservation Commission of the Town of Chilmark is the following:

- Mr. Donald Smith's the owner of Lot M, 16 Harbor Hill Road his name, necessary personal information and signature do not appear on the WAP FORM 3 NOTICE OF INTENT. The form was submitted by a representative of RMJ Dock LLC who is a separate entity that has an easement to cross to and forth to said "shop" and "wharf" across Mr. Smiths property. Mr Smith owns the land in the location of the project locus where a **new** set of stairs is proposed to be constructed where no prior stairs or structures have previously existed down Mr. Smiths coastal bank. No formal mapping of where the easement lies is documented or recored with the registry of deeds.

Page 1 of 9 A. (3) Property owner (if different then applicant) and as owner of the property if other then the applicant is left blank.

Page 9 of 9 A. (3). Mr. Smiths signature and date signed is left blank.

- Page 1 of 2 A. (3) NOI Wetland Fee Transmittal Form Property Owner (if different) left blank.
- Page 2 of 9 A. (7a) Single Family Home is checked as project type. The single family home would be referring to Mr. Smiths house "Topside" not the shop called the "Bosuns's Locker" which is not an established dwelling.
Page 2 of 9 A.(8) property recorded at registry of deeds Book 1216 Page 262 is referring to the right of easement across Mr. Smiths property by RMJ Dock LLC not the real property deed of Mr. Smith. Mr. Smiths certificate of Title #11907 is recorded with the registry of deeds Book 64 page 95 document # 63517.

In Conclusion:

RMJ Dock LLC the applicant has an easement to pass over the real property owned by Mr. Smith as stated in the deed. An easement is a right to use someone else's property in the ways described in the easement. RMJ Dock LLC does not have any ownership interest in the real property belonging to Mr. Smith. I am appealing to you that Mr. Smith as the property owner, so that the necessary personal information and signature be included on the WAP FORM 3 NOTICE OF INTENT #012-0891 before the application is considered for approval.



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
And the Town of Chilmark Wetlands Bylaw

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):

16 Harbor Hill Road

a. Street Address

Chilmark

b. City/Town

02535

c. Zip Code

Latitude and Longitude:

27.1

f. Assessors Map/Plat Number

d. Latitude

104

g. Parcel /Lot Number

e. Longitude

2. Applicant:

a. First Name

RMJ Dock, LLC

c. Organization

c/o Vineyard Land Surveying & Engineering, Inc. P. O. Box 421

d. Street Address

West Tisbury

e. City/Town

508-693-3774

h. Phone Number

MA

f. State

reid@vlse.net

j. Email Address

02575

g. Zip Code

i. Fax Number

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Reid G.

a. First Name

Silva, PE/PLS

b. Last Name

Vineyard Land Surveying & Engineering, Inc.

c. Company

P. O. Box 421

d. Street Address

West Tisbury

e. City/Town

508-693-3774

h. Phone Number

MA

f. State

reid@vlse.net

j. Email address

02575

g. Zip Code

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

\$100.00

a. Total Fee Paid

\$37.50

b. State Fee Paid

\$62.50

c. City/Town Fee Paid



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Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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City/Town

A. General Information (continued)

6. General Project Description:

Construct and maintain stairs on a coastal bank to access an existing pier and boathouse

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.

Property recorded at the Registry of Deeds for:

Dukes

a. County

1216

c. Book

b. Certificate # (if registered land)

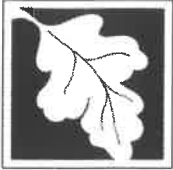
262

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.



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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:

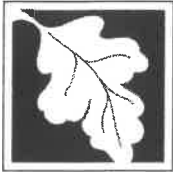
a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
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5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

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.



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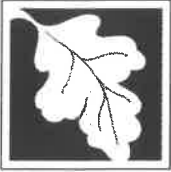
City/Town

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 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 _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	4 LF 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 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 _____



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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).



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

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.

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



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
And the Town of Chilmark Wetlands Bylaw

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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.

Site Plan of Land in Chilmark, Mass. Prepared for RMJ Dock, LLC

a. Plan Title

Vineyard Land Surveying & Engineering,
Inc.

Reid G. Silva

c. Signed and Stamped by

May 31, 2022

1"=5'

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:

1571

2. Municipal Check Number

6/1/2022

3. Check date

1572

4. State Check Number

6/1/2022

5. Check date

Vineyard Land Surveying & Engineering, 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

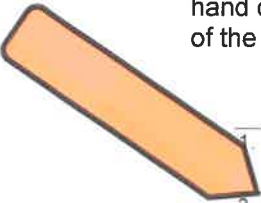
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F. Signatures and Submittal Requirements

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)	6. Date

Kim A. [Signature] (Agent)
June 13, 2022

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.



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 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:

16 Harbor Hill Road
 a. Street Address
 1572
 c. Check number
 Chilmark
 b. City/Town
 \$37.50
 d. Fee amount

2. Applicant Mailing Address:

a. First Name
 RMJ Dock, LLC
 c. Organization
 c/o Vineyard Land Surveying & Engineering, Inc. P. O. Box 421
 d. Mailing Address
 West Tisbury
 e. City/Town
 508-693-3774
 h. Phone Number
 MA
 f. State
 02575
 g. Zip Code
 reid@vlse.net
 j. Email Address
 i. Fax Number

3. Property Owner (if different):

a. First Name
 b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town
 f. State
 g. Zip Code
 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.

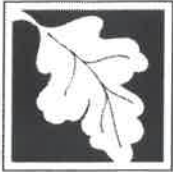
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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.

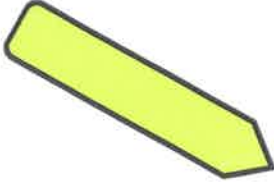
Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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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
5a. work on stairs	4 LF	\$4/LF (\$100 min)	\$100.00

Step 5/Total Project Fee: \$100.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$100.00</u>
State share of filing Fee:	<u>\$37.50</u>
City/Town share of filling Fee:	<u>\$62.50</u>
	<u>a. Total Fee from Step 5</u>
	<u>b. 1/2 Total Fee less \$12.50</u>
	<u>c. 1/2 Total Fee plus \$12.50</u>

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

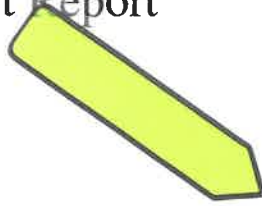
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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.)



300 foot Abutters List Report

Chilmark, MA
June 01, 2022



Subject Property:

Parcel Number: 271-104-00
CAMA Number: 271-104-00
Property Address: 16 HARBOR HILL RD

Mailing Address: SMITH DONALD G
C/O: ROBIN SMITH PO BOX 238
CHILMARK, MA 02535

Abutters:

Parcel Number: 271-053-00
CAMA Number: 271-053-00
Property Address: 512 NORTH RD

Mailing Address: SWORDFISH ENTERPRISES LLC
PO BOX 38
MENEMSHA, MA 02552

Parcel Number: 271-084-00
CAMA Number: 271-084-00
Property Address: 512 NORTH RD

Mailing Address: SWORDFISH ENTERPRISES LLC
PO BOX 38
MENEMSHA, MA 02552

Parcel Number: 271-085-00
CAMA Number: 271-085-00
Property Address: 512 NORTH RD

Mailing Address: SWORDFISH ENTERPRISES LLC
PO BOX 38
MENEMSHA, MA 02552

Parcel Number: 271-086-00
CAMA Number: 271-086-00
Property Address: 0 NORTH RD

Mailing Address: SONGWIND LLC
C/O: REYNOLDS,RAPPAPORT&KAPLAN
PO BOX 2540
EDGARTOWN, MA 02539

Parcel Number: 271-087-00
CAMA Number: 271-087-00
Property Address: 0 NORTH RD

Mailing Address: CHILMARK TOWN OF
BOX 119
CHILMARK, MA 02535

Parcel Number: 271-090-00
CAMA Number: 271-090-00
Property Address: 17 BOATHOUSE RD

Mailing Address: CHILMARK TOWN OF
BOX 119
CHILMARK, MA 02535

Parcel Number: 271-090-00
CAMA Number: 271-090-01
Property Address: 0 BOATHOUSE RD

Mailing Address: CHILMARK TOWN OF & LARSEN LOUIS
13 WAMPUM WAY
CHILMARK, MA 02535

Parcel Number: 271-090-00
CAMA Number: 271-090-02
Property Address: 0 BOATHOUSE RD

Mailing Address: CHILMARK TOWN OF & FLANDERS
CARL
4 LARSEN LANE
CHILMARK, MA 02535

Parcel Number: 271-090-00
CAMA Number: 271-090-03
Property Address: 0 BOATHOUSE RD

Mailing Address: CHILMARK TOWN OF & DENNIS JASO
14 RIDGE HILL RD
CHILMARK, MA 02535

Parcel Number: 271-090-00
CAMA Number: 271-090-04
Property Address: 0 BOATHOUSE RD

Mailing Address: CHILMARK TOWN OF & JENKINSON
WALTER A II
PO BOX 28
WEST TISBURY, MA 02575



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

June 01, 2022

Parcel Number: 271-090-00 CAMA Number: 271-090-05 Property Address: 0 BOATHOUSE RD	Mailing Address: CHILMARK TOWN OF & MAYHEW JONANTHAN & GR PO BOX 32 CHILMARK, MA 02535
Parcel Number: 271-090-00 CAMA Number: 271-090-06 Property Address: 0 BOATHOUSE RD	Mailing Address: CHILMARK TOWN OF & MURPHY CHRIS W 88 MURPHY RD CHILMARK, MA 02535
Parcel Number: 271-090-00 CAMA Number: 271-090-07 Property Address: 0 BOATHOUSE RD	Mailing Address: CHILMARK TOWN OF & LARSEN JOHN 108 HAMMETT LN CHILMARK, MA 02535
Parcel Number: 271-091-00 CAMA Number: 271-091-00 Property Address: 27 BOATHOUSE RD	Mailing Address: UNITED STATES OF AMERICA US COAST GUARD 20 EDYS ISLAND WAY CHILMARK, MA 02535
Parcel Number: 271-094-00 CAMA Number: 271-094-00 Property Address: 515 NORTH RD	Mailing Address: MENEMSHA GALLEY INC 12 FENNER WAY CHILMARK, MA 02535
Parcel Number: 271-095-00 CAMA Number: 271-095-00 Property Address: 0 NORTH RD	Mailing Address: PACKER DEBORAH MCLEOD PO BOX 82 MENEMSHA, MA 02552
Parcel Number: 271-097-00 CAMA Number: 271-097-00 Property Address: 511 NORTH RD	Mailing Address: MENEMSHA BY THE SEA LLC 223 WEST SPRING ST VINEYARD HAVEN, MA 02568
Parcel Number: 271-098-00 CAMA Number: 271-098-00 Property Address: 6 HARBOR HILL RD	Mailing Address: PACKER DEBORAH M PO BOX 82 MENEMSHA, MA 02552
Parcel Number: 271-100-00 CAMA Number: 271-100-00 Property Address: 8 HARBOR HILL RD	Mailing Address: TILTON DAVID PO BOX 68 RYE, NH 03870-0068
Parcel Number: 271-101-00 CAMA Number: 271-101-00 Property Address: 10 HARBOR HILL RD	Mailing Address: KHEDOURI FREDERICK N PO BOX 6 MENEMSHA, MA 02552
Parcel Number: 271-102-00 CAMA Number: 271-102-00 Property Address: 12 HARBOR HILL RD	Mailing Address: BURGESS PATRICIA A TRUSTEE ;CAPTAIN BARLOW I REALTY TRUST 55 REDWING DR BRIDGEWATER, MA 02324
Parcel Number: 271-103-00 CAMA Number: 271-103-00 Property Address: 14 HARBOR HILL RD	Mailing Address: WILCOX BESSIE C, GILBERT & DONALD TRSTEE BESSIE C WILCOX GRANTOR TRUST 115 BAR GATE TRAIL KILLINGWORTH, CT 06419-1382



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6/1/2022

Page 2 of 5

Transfer Certificate of Title

Cert No: 11907
Doc No: 63517

Book: 64
Page: 95

From Transfer Certificate No. 8670, Originally Registered January 19, 1922, in Registration Book 1, Page 223 for the Registry District of Dukes County.

This is to Certify that DONALD G SMITH of 16 Harbor Hill Rd, Chilmark MA 02535 is the owner in fee simple, of that certain parcel of land situated in Chilmark, in the County of Dukes and Commonwealth of Massachusetts, described as follows:

EASTERLY by a Way sixty (60) feet;
SOUTHERLY by Lot N about forty-nine (49) feet;
WESTERLY by the waters of the Old Channel of Menemsha Creek; and
NORTHERLY by Lot L about fifty-one (51) feet.

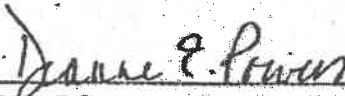
The above described land is shown as Lot M on sub-division plan 7706-F, filed with Certificate of Title No. 543.

So much of the above described land as lies between the line of the creek and the foot of the bank, as shown on said plan, is subject to a right of way reserved in a certain deed given by Franklin P Titus to Stephen I Gardner, dated August 30, 1930, filed as Document No. 833.

And it is further certified that said land is under the operation and provisions of Chapter 186 of the General Laws and any amendments thereto, and that the title of said DONALD G SMITH to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, and any amendments thereto, which may be subsisting, and subject also to the right of way granted to Robert N Flanders, Jr., et al, by Article Six of the will of Gladys M Flanders.

Witness Karyn F. Scheier, Chief Justice of the Land Court, Department of the Trial Court, at Edgartown, in said county of Dukes the thirty-first day of August the year two thousand and five at 9 o'clock and 11 minutes in the forenoon.

Attest, with the Seal of said Court,


Dianne E. Powers, Assistant Recorder

Land Court Case No. 7706

Property Address:
16 Harbor Hill Rd
Chilmark MA 02535

MASSACHUSETTS EXCISE TAX BANK FEE
PAID \$ 15,800.00
EXEMPTION NO. 47741
DATE 7/16/10
CERTIFICATION [Signature]

2010 00004028
Bk: 1216 Pg: 262 Doc: DEED
Page: 1 of 4 07/08/2010 11:00 AM

ASSIGNMENT OF LIFE ESTATES, RIGHTS, EASEMENT & LICENSE

Reference is made to a certain shop called "Bosun's Locker" and the wharf which abuts property known as "Topside" which is located at 16 Harbor Hill, Menemsha Basin, Chilmark, Massachusetts, and described in Certificate of Title No. 11907, filed in the Dukes County Registry District Office of the Land Court in Book 64, Page 95.

WHEREAS, **LUISANN F. BOLLIN, CARL E. FLANDERS, ROBERT S. FLANDERS, LAURENCE M. FLANDERS, and FRANKLIN P. FLANDERS** are the holders of certain life estates and easements, and a pier license, all as more particularly described below, and a possible remainder interest following said life estates which they have agreed to assign to **RMJ DOCK LLC**, a Massachusetts limited liability company with a principal office address c/o Robert H. Nixon, 86 Beach Plum Lane, Menemsha, MA 02552;

WHEREAS, ASSIGNORS' life estates and possible remainder interests pertain to the shop and wharf located at 16 Harbor Hill, Menemsha Basin, Chilmark, Massachusetts adjacent to land shown as Lot M, on Land Court Plan 7706-F filed in the Dukes County Registry District Office of the Land Court, known as "Topside", and the easement assigned is the right to use a right of way for access to and from said shop and wharf across "Topside". The life estates, remainder interests and easement rights originate from the Estate of Gladys M. Flanders, late of Chilmark, Dukes County, Massachusetts, who died testate on May 19, 1989 (Dukes Probate Docket No. 89P0070-E1), and are set forth in Article Six of Gladys M. Flanders' will.

NOW THEREFORE, for consideration of SEVEN HUNDRED NINETY THOUSAND and 00/100 (\$790,000.00) paid, **LUISANN F. BOLLIN, CARL E. FLANDERS, ROBERT S. FLANDERS, LAURENCE M. FLANDERS, and FRANKLIN P. FLANDERS** (collectively, "ASSIGNOR") hereby sell, assign, and transfer to **RMJ DOCK LLC** ("ASSIGNEE"), said life estates, remainder interests and any and all other rights, title or interest in and to the said Bosun's Locker and said wharf and the easement rights held by the Assignees in connection therewith, noted on Certificate of Title No. 11907 as "right of way granted to Robert N. Flanders, Jr., et al", and in Article Six of the will of Gladys M Flanders.

Also assigned hereby is all Assignors' right, title and interest in and to the license to extend and maintain a timber pier and building, and install mooring piles in Menemsha Basin, adjacent to Lot M on Land Court Plan 7706-F. Said license was issued to Gladys M. Flanders on September 25, 1963, is recorded in Dukes County Registry of Deeds in Book 250, Page 108, and is noted on Certificate of Title No. 11907, filed in the Dukes County Registry District Office of the Land Court in Book 64, Page 95.

MASSACHUSETTS EXCISE TAX
Dukes County ROD #8 001
Date: 07/08/2010 11:00 AM
Ctrl# 037862 29317 Doc# 00004028
Fee: \$3,602.40 Cons: \$790,000.00



Chilmark, MA

Contact

105

Donald smith

Report

Mailing Labels

Add/Remove

Zoom

Parcel #

Owner

Address



271-104-00
16 HARBOR HILL RD
SMITH DONALD G

Search

Abutters

Layers

About Disclaimer Help Feedback

CAT MappingGIS

35'S

60'S

30'S

55'S

104

55'S

55'S

32'S

HARBOR

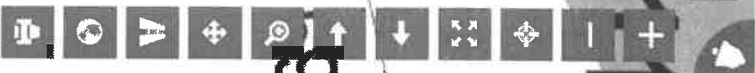
74'

21'

54' 271-115-00 - GREENBAUM EDWIN H TRUSTEE
509 NORTH RD

0 10 20ft

X: -70.76487, Y: 41.35171



Chilmark, MA



Contact

Donald smith



Report

Mailing Labels

Zoom

Parcel #

Owner

Address



271-104-00
16 HARBOR HILL RD
SMITH DONALD G

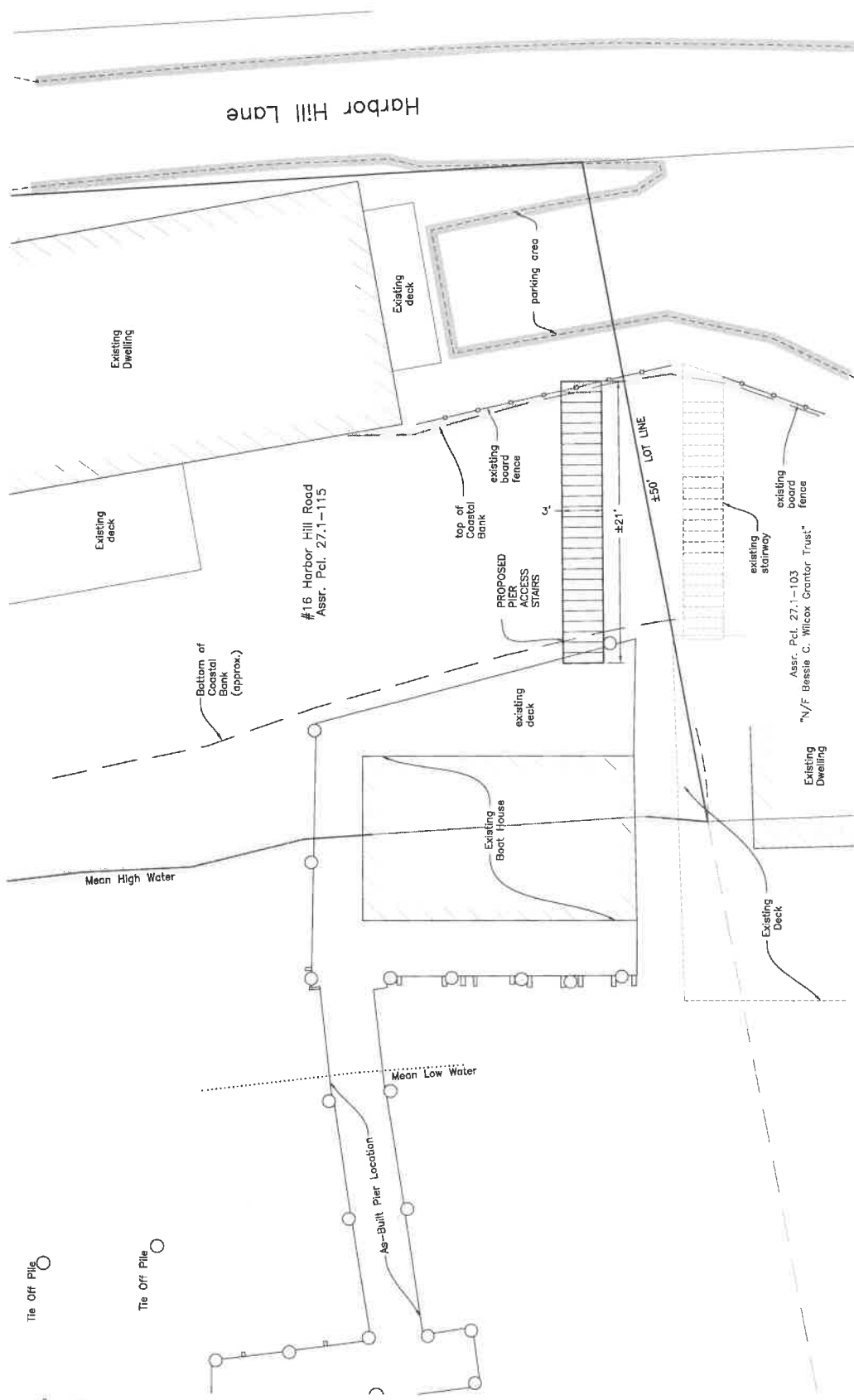
Map interface showing parcel boundaries and dimensions. The central parcel is labeled '104' and has dimensions 55'S, 55'S, 60'S, and 35'S. Other parcels have dimensions like 74', 32'S, 30'S, and 54'S. The word 'HARBOR' is visible in the background.

Map controls: Search, Abutters, Layers, CAI Maps GIS, esri, X: -70.76490, Y: 41.35180, 0 10 20ft, About Disclaimer Help Feedback



Tie Off Pile

Tie Off Pile



#16 Harbor Hill Road
Asstr. Pct. 27.1-115

Asstr. Pct. 27.1-103
"N/F Bessie C. Wilcox Grantor Trust"



Ed G. Carson
Registered Professional Surveyor
No. 42005
Commonwealth of Massachusetts

May 31, 2022

Site Plan
in Chilmark, Mass.
Prepared for
RMJ Deck, LLC

May 31, 2022 Scale: 1"=5'

VINEYARD
LAND SURVEYING
& ENGINEERING, LLC
15 Commercial Road
P.O. Box 427
West Tisbury, MA 02585
Phone: 508-339-7747 Fax: 508-339-6446
www.vineyardland.com