



**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** CHILMARK  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

**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:  
 Abel's Hill Association

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 c/o Susan Mottau 2 Church Pasture Way  
 Address \_\_\_\_\_  
 Chilmark MA 02535  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 508-645-3394 susan.mottau@gmail.com  
 Phone Number \_\_\_\_\_ Email Address \_\_\_\_\_

2. Property Owner (if different from Applicant):  
 ABEL'S HILL ASSOC INC

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 C/O WARREN S KIMBER III 9 FERNWOOD RD  
 Address \_\_\_\_\_  
 SUMMIT NJ 07901  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 508-645-3394  
 Phone Number \_\_\_\_\_ Email Address (if known) \_\_\_\_\_

3. Representative (if any)  
 GARY MOTTAU

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 LANDWERK  
 Company Name \_\_\_\_\_  
 2 CHURCH PASTURE WAY  
 Address \_\_\_\_\_  
 CHILMARK MA 02535  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 508-353-4068 GMOTTAU@GMAIL.COM  
 Phone Number \_\_\_\_\_ Email Address (if known) \_\_\_\_\_

**B. Project Description**

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

SEAWARD WAY CHILMARK  
 Street Address \_\_\_\_\_ City/Town \_\_\_\_\_  
 41.35236 -70.71359  
 Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX) \_\_\_\_\_ Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX) \_\_\_\_\_  
 24 153  
 Assessors' Map Number \_\_\_\_\_ Assessors' Lot/Parcel Number \_\_\_\_\_

b. Area Description (use additional paper, if necessary):  
 ROAD REPAIR NEAR INTERSECTION OF SEWARD WAY AND CROSS RIP LANE

c. Plan and/or Map Reference(s): (use additional paper if necessary)

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)

Title \_\_\_\_\_ Date \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_



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**B. Project Description (cont.)**

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

Repair road on Seaward Way

Excising broken pavement and replacing with cement slabs to repair and strengthen existing road.

- 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).

No new disturbance, repair of existing structure

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.)



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**C. Determinations**

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

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above 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 above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Chilmark

Name of Municipality

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

**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.

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

Signature of Representative (if any)

Date

11 March 2024

Date