

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Salisbury

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):

557 North End Blvd.

a. Street Address

Salisbury

b. City/Town

01952

c. Zip Code

Latitude and Longitude:

36

f. Assessors Map/Plat Number

42.869082

d. Latitude

-70.818212

e. Longitude

25

g. Parcel /Lot Number

2. Applicant:

Erick & Ellen

a. First Name

Kuchar

b. Last Name

c. Organization

6 Hansom Drive

d. Street Address

Merrimac

e. City/Town

Ma

f. State

01860

g. Zip Code

(978) 807-1004

h. Phone Number

i. Fax Number

KucharErick@Gmail.com

j. Email Address

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

Same

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):

Matthew A.

a. First Name

Steinel

b. Last Name

Millennium Engineering, Inc.

c. Company

62 Elm Street

d. Street Address

Salisbury

e. City/Town

Ma

f. State

01952

g. Zip Code

(978) 463-8980

h. Phone Number

i. Fax Number

MSteinel@Mei-MA.com

j. Email address

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

\$500.00 + Local Fee

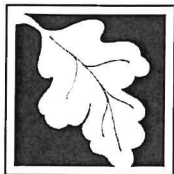
a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50 + Local Fee

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Applicant proposes to construct a new residential elevator, second & third story additions, and other associated site improvements.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> 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 CMR 10.24(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:

Essex

a. County

85853

b. Certificate # (if registered land)

c. Book

d. Page Number

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

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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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 checked="" type="checkbox"/> Riverfront Area	Blackwater River 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: 5,000 square feet

4. Proposed alteration of the Riverfront Area:

<u>65 S.F. Reduction</u>	<u>30 S.F. Reduction</u>	<u>175 S.F. Reduction</u>
a. total square feet	b. square feet within 100 ft.	140 S.F. Proposed

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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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.

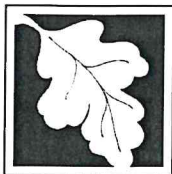
<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input checked="" 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 checked="" type="checkbox"/> Coastal Dunes	205 S.F. Reduction 140 S.F. Proposed	65 S.F. Native Plantings
	_____	_____
	<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	205 S.F. Reduction 140 S.F. Proposed	

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

- 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

Aug. 2021 _____

b. Date of map

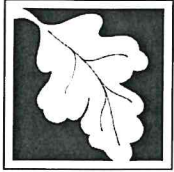
If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, 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 _____ 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/ma-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.



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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 - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth 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

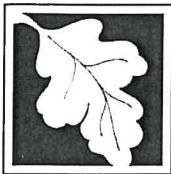
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



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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.

Plan to Accompany a Notice of Intent showing "Existing Conditions & Proposed Site Improvements" & "Architectural Profiles"

Millennium Engineering, Inc.

Eric W. Botterman, P.E.

b. Prepared By

c. Signed and Stamped by

3 / 27 / 2024

1" = 10'

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:

2. Municipal Check Number 3647

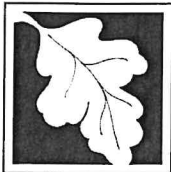
3. Check date 3/23/24

4. State Check Number 3648

5. Check date 3/23/24

6. Payor name on check: First Name Ellen + Erick

7. Payor name on check: Last Name Kucher



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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.

Eric Kuehn

1. Signature of Applicant

3 / 27 / 2024

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

3 / 27 / 2024

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.



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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:

557 North End Boulevard Salisbury
 a. Street Address b. City/Town
 3648 \$237.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Erick & Ellen Kuchar
 a. First Name b. Last Name
 c. Organization
 6 Hansom Drive
 d. Mailing Address
 Merrimac Ma 01860
 e. City/Town f. State g. Zip Code
 (978) 807-1004 KucharErick@Gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Same
 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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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2J) - Any other activity not in Category 1,3,4,5, or 6	1	\$500.00	\$500.00
Step 5/Total Project Fee:			\$500.00
Step 6/Fee Payments:			
Total Project Fee:			\$500.00
State share of filing Fee:			a. Total Fee from Step 5 \$237.50
City/Town share of filling Fee:			b. 1/2 Total Fee less \$12.50 \$262.50 + Local Fee
			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.)

Project Narrative for Proposed Site Improvements
557 North End Boulevard, Salisbury, Ma. 01952
Dated: March 27, 2024

Site Location & Description

The subject site consists of 1 parcel of land totaling 5,000 SF containing a single multi-family residential structure constructed on an on-grade concrete foundation/crawl space. The site is located on the southwest corner of the intersection with 5th street west and approximately 1,000 feet south of the Massachusetts / New Hampshire state line. The site is covered primarily by the residential structure, a paved driveway, paved walkways, and areas of turf lawn vegetation.

Project Description

The applicant(s), Erick & Ellen Kuchar, propose construction activities within areas subject to the Massachusetts Wetlands Protection Act which are subject to review and approval by the Salisbury Conservation Commission and the State of Massachusetts Department of Environmental Protection.

Construction activities shall include the demolition and removal of an existing set of stair, a concrete pad, and portions of the paved walkways followed by the construction of a new pile supported pitless elevator, a second & third story addition/renovation, and other associated site improvements. Associated site improvements proposed include relocating some utility service connections, and proposed plantings. Any plantings proposed and/or required, as a conditions of approval, shall be per the approved plan or an approved equal. Any alternate species shall be a native species and approved by the Salisbury Conservation Commission, or it's agent, prior to purchasing and installation.

All work shall be performed in accordance with the attached project plans, the approved order of conditions and shall comply with any, and all state and local requirements.

Resource Area Delineation Methodology

A review of existing aerial mapping and an on-ground survey of existing wetland resource areas was performed by Millennium Engineering, Inc from which it was determined that the following resource areas exist onsite or are in close proximity to proposed construction activities:

- 1) On or Within Coastal Dunes: (310 CMR 10.28)
- 2) On or Within Barrier Beaches: (310 CMR 10.29)
- 3) Adjacent to Estimated Habitats of Rare Wildlife, for Coastal Wetlands (310 CMR 10.37)
- 4) On or Within Riverfront Area (310 CMR 10.58)
- 5) On or Within Land Subject to Coastal Storm Flowage**

** FEMA Flood Zone AE(Elev.=9) as shown on FEMA Map 25009C0127F, dated July 3, 2012

Compliance with Performance Standards & Presumption of Significance

The applicant acknowledges that the resource areas identified above are present on-site and are significant to storm damage prevention and the protection of the wetland values listed in Massachusetts Wetlands Protection Act. Compliance, to the maximum extent feasible, with those performance standards has been demonstrated as follows:

Coastal Dunes (310 CMR 10.28)

In accordance with 310 CMR 10.28, coastal dunes are considered significant to storm damage prevention, flood control, marine fisheries, and the protection of wildlife habitat. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all the proposed construction activities are located within this regulated resource area. It is our professional opinion that work proposed is in compliance with the specific performance standards listed in 310 CMR 10.28(3) as the proposed construction activities will 1) not affect the ability of waves to remove sand to and from the dune, 2) will minimize disturbance to existing vegetative cover which may result in the destabilization of the dune, 3) will not modify the dune in a way that would increase the potential storm or flood damage, 4) will not interfere with the landward or lateral movement of the dune, 5) will not cause artificial removal of sand from the dune, and 6) will not interfere with mapped or otherwise identified bird nesting habitats. No construction activities have been proposed which would directly or indirectly impact or have an adverse effect on the productivity or functionality of coastal dune resource areas.

Barrier Beach (310 CMR 10.29)

In accordance with 310 CMR 10.29(3), barrier beaches are considered significant to storm damage prevention, flood control, marine fisheries, and the protection of wildlife habitat. In accordance with the definition and delineation methodology contained within the Massachusetts Wetlands Protection Act, it has been determined that all the proposed construction activities are located within this regulated resource area. It should be noted that no specific performance standards are outlined in 310 CMR 10.29 however the proposed construction activities will 1) not reduce the natural ability of the land to absorb and contain floodwaters, 2) will not displace or divert floodwaters to other areas, 3) will not cause or create the likelihood of damage to other structures or land as debris (collateral damage), 4) will not cause ground, surface or salt-water pollution triggered by coastal storm flowage, and 5) will not restrict the natural movement of sand or floodwaters. No construction activities have been proposed which would directly or indirectly impact or have an adverse effect on the productivity or functionality of barrier beach resource areas.

Estimated Habitat of Rare Wildlife (310 CMR 10.37)

Attached, please find a copy of the current Natural Heritage and Endangered Species Program map dated August 2021. The map shows that all construction activities proposed are located outside of any mapped, known, or certified areas of "*Priority Habitat of Rare Species*", "*Estimated Habitat of Rare Wildlife*", or any "*Certified Vernal Pools*".

Riverfront Area (310 CMR 10.58)

All proposed project activities shall take place within this resource area and therefore direct impacts are being proposed. The following performance standards have been addressed:

10.58(4)(a) – Protection of Other Resource Areas

As identified above, other resource areas do exist on or adjacent to the construction site and, where appropriate, have been delineated onsite and shown on the plan. All of the proposed construction activities are in previously disturbed areas and vegetative cover disturbance or removal has been minimized to the maximum extent possible. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

10.58(4)(b) – Protection of Rare Species

No construction activities of any kind are being proposed that would have any adverse effect on any specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, or any vernal pool habitat certified prior to the filing of the Notice of Intent as shown on the most recent NHESP mapping dated Aug. 1, 2021. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

10.58(4)(c) – Practicable and Substantially Equivalent Economic Alternatives

10.58(4)(c)(1)(a) – Cost

As demonstrated on the accompanying plans, all the proposed construction activities are located in previously disturbed areas. As a result, the costs for proposed construction activities are minimized by reducing vegetation clearing, regrading, and environmental impacts. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(b) – Existing Technology

MEI is unaware of any existing technologies currently available that would allow for the construction of the proposed residential elevator or other proposed site improvements in a way that would further reduce impacts or protect the interests outlined in the MA WPA. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(c) – Proposed Use

The proposed residential elevator and other associated site improvements are located in a residential neighborhood. The applicant has no desire to change the characteristic of the neighborhood and believes this use is best for the neighborhood. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

10.58(4)(c)(1)(d) – Logistics

In considering the logistics of the site and proposed improvements the applicant shall utilize existing site access and place sheets of plywood over existing vegetated turf lawn to access the construction activities. This shall reduce impacts to the resource areas and minimize environmental impacts. No other logistical option, location, or construction method would accomplish the same goal and provide further separation or enhanced protection for the resource areas.

10.58(4)(c)(2) – Scope of Alternatives

In accordance with 310 CMR 10.58(4)(c)(2)(b)(i) the area under consideration for practicable alternatives is limited to the lot, the subdivided lots and any adjacent lots formerly or presently owned by the same owner for any activities associated with the construction of or expansion of a dwelling on a lot recorded after August 1, 1996. This parcel was created prior to August 1, 1996. Additionally, the owner/applicant never owned any of the adjacent lots. Therefore, it is our professional opinion that we are in full compliance with this section of the WPA.

Conclusion

It is our professional opinion that the construction of the proposed residential elevator and the other associated improvements, as presented, was the most feasible option with the least financial and environmental impacts to both the applicants, the neighbors, and the resource areas. No other practicable and substantially equivalent economic alternative was identified which would potentially have less adverse impacts to the interests identified in the WPA.

10.58(4)(d) – No Significant Adverse Impacts

It is our professional opinion that the work being proposed within the Riverfront Area shall provide no significant adverse impacts to the resource area and is in compliance with this section of the state environmental code:

310 CMR 10.58(4)(d)(1) allows for the alteration of 5,000 SF of alteration or 10% of the riverfront within the lot, whichever is greater. Because all of the proposed construction activities are located within previously disturbed areas the actual impacts proposed within the riverfront area is far less than the 5,000 SF permissible under the WPA. The total area effected will result in a net reduction of existing impacts by approximately 65 SF with no tree or shrub removal and minimal temporary impacts to vegetative ground cover.

310 CMR 10.52(4)(d)(1)(a) requires that a minimum 100 foot wide corridor of undisturbed vegetation is provided. The commission has the authority to approve work which does not provide the required 100 foot corridor of undisturbed vegetation provided that the applicant provides a rebuttal of the presumptions of significance to justify a lesser area of undisturbed vegetation. Approximately 30 S.F. of paved walkway is proposed to be removed within the inner riparian zone and then vegetated. All other work is located in the outer riparian zone and all work is located in previously disturbed areas of the property.

310 CMR 10.58(4)(d)(1)(b) requires stormwater to be managed according to standards established by the Department in its Stormwater Policy. Because this work is related to an existing two-family residential structure and will result in a net reduction in impervious areas, the work proposed is exempt from the Stormwater Policy.

310 CMR 10.58(4)(d)(1)(c) requires that work not impair the riverfront areas ability to provide important wildlife functions and will not impair its capacity to provide vernal pool habitat. All construction activities are proposed in previously disturbed areas and no construction activities of any kind are being proposed that would have an adverse effect on any specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, or any vernal pool habitat certified prior to the filing of the Notice of Intent as shown on the most recent NHESP mapping dated Aug. 1, 2021. Therefore it is our professional opinion that we are in full compliance with this section of the WPA.

310 CMR 10.58(4)(d)(1)(d) requires that work not impair the groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution. Erosion and sedimentation control is not proposed, not required on a barrier beach, and in our professional opinion, would not attenuate nonpoint pollution and is therefore in compliance with this section of the WPA.

Land Subject to Coastal Storm Flowage

All project activities shall take place within this resource area and therefore direct impacts are being proposed. The proposed elevator shall be constructed on a pile supported pitless elevator at-grade and in accordance with FEMA technical bulletins related to elevator construction in flood zones.

Preliminary Construction Schedule
557 North End Boulevard, Salisbury, Ma. 01952
Dated: March 27, 2024

The following construction schedule is provided as a guide to help ensure proper compliance with the conservation commission approval. The contractor shall always keep a copy of the approved plans and the approved order of conditions onsite and available for inspection while work is being performed. Any changes to construction or this schedule should be discussed with the design engineer, project architect, and the conservation commission agent prior to implementing the change to ensure proper compliance with the approval and all code requirements. If there is a conflict between the details in this document, the approved plans, and the approved order of conditions issued by the Conservation Commission, the order of conditions shall supersede and be adhered to at all times.

- 1) Contractor and/or homeowner shall complete all pre-construction site prep work needed prior to beginning construction activities. This includes, but may not be limited to, installation of all approved erosion control measures, contacting all utility companies and Digsafe to ensure all services are properly marked out, turned off, and/or disconnected.
- 2) Contractor and/or homeowner shall contact the Conservation Commission Agent by calling (978) 499-0358 to schedule a pre-construction site walk to inspect any construction fencing or erosion control installation, if required, and discuss any special conditions and/or questions pertaining to the approval.
- 3) Contractor and/or homeowner shall begin demolition and removal of the existing stairs, concrete pad, and portions of the existing paved walkway and all debris shall be disposed of offsite in accordance with federal, state and local requirements.
- 4) Contractor and/or homeowner shall begin excavation and relocation of the existing gas line, electric line, and any other utility service identified within the approved work area.
- 5) Contractor and/or homeowner shall begin installation of approved pile supported pitless elevator and residential additions/renovations.
- 6) Upon completion of all major construction activities the contractor and/or homeowner shall complete the installation of any new vegetation plantings and surfaces as shown on the approved plan. Any deviation from the plant species shown shall be reviewed and approved by the conservation commission or its agent prior to purchase and installation. All disturbed areas shall be seeded with a New England Salt Tolerant Coastal seed mix.
- 7) Upon completion of all construction activities, plantings, and site stabilization the homeowner shall turn in an As-Built plan and a request for a certificate of compliance stamped by a professional engineer or land surveyor. This request shall include a letter from the engineer or land surveyor pointing out all the inconsistencies with the approved design plan and with what is presented on the As-Built plans.

Applicants Copy

ABUTTERS LIST REQUEST

TO BE SUBMITTED DIRECTLY TO ASSESSORS OFFICE

Abutters Lists will be processed within 10 days of Receipt by Assessors Office

PROPERTY ADDRESS: 557 North End Blvd.
 NAME OF APPLICANT: Erick & Ellen Kuchar
 NAME OF PROPERTY OWNER: Same
 CONTACT PHONE: (978) 463-8980 Matt @ Millennium
 MAP: 36 LOT: 25
 FEE: \$25 One Board
 \$15 each additional Board
 \$15 Recertification per Board

Assessor's Office Date Stamp:

BOARD/APPLICATION TYPE:		AMOUNT DUE:
ZONING BOARD:	300 FEET VARIANCE	_____
	300 FEET SPECIAL PERMIT	<u>\$25.00</u>
	300 FEET 40B PROJECT	_____
PLANNING BOARD:	DIRECT SITE PLAN REVIEW (MINOR)	_____
	300 FEET SITE PLAN REVIEW (MAJOR)	_____
	DIRECT DEFINITIVE SUBDIVISION	_____
	300 FEET SPECIAL PERMIT	_____
		<u>\$15.00</u>

CONSERVATION COMMISSION:

*Please see conservation requirements adopted by Wetlands Protection Act 12-2014 on reverse.
 **Please supply description of work and a scaled plan

BOARD OF SELECTMEN: 100 FEET OR ABUTTER TO ABUTTER _____
 LIQUOR COMMISSION: DIRECT _____
 OTHER: _____

TOTAL PAID: \$40.00 CHECK # MEI#2336

ABUTTERS LIST AND LABELS RECEIVED BY: _____ DATE: _____

THIS LIST WILL REQUIRE RECERTIFICATION AFTER 60 DAYS.

Map 36 Lot 25 100' Abutters List



1:480

Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Salisbury & MassGIS/MassGIS. THE TOWN OF SALISBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF SALISBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



Legend	
Municipal Boundary	Parcel Labels
Manhole	Outfall
State Owned Catchbasin	State Owned Manhole
Local Road	500 Year Floodplain
100 Year Floodplain	Parcels
	Drain Pipe
	Roads
	Hydrographic Features
	Wetlands
Outfall Labels	Catchbasin
Gravity Main	Swale/Ditch
Interstate	Major Road
Streams	Floodplain

CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
36-025	557 NO END BLVD	KUCHAR ERICK W KUCHAR ELLEN M 557 NO END BLVD UNIT A SALISBURY, MA 01952

A B U T T E R S

36-023	2 6TH ST WEST	SHEEHAN ELEANOR SHEEHAN, THOMAS SHEEHAN, ROBER 30 BRIDGE ST SALEM, NH 03079
36-024	549 NO END BLVD	SHEEHAN ROBERT M SHEEHAN LINDA J 92 PLEASANT ST METHUEN, MA 01844
36-026	5 5TH ST WEST	DAVIS PATRICIA M DAVIS JOHN W 352 PARK ST STE 202 NORTH READING, MA 01864-2156
36-112	558 NO END BLVD	PERRY FRANK JOSEPH III & CAROL T FRANK AND CAROL PERRY FAMILY 2 100 HIGH ST, Unit 304 MEDFORD, MA 02155
36-113	556 NO END BLVD	TIMONY DONALD P TIMONY MARGARET 556 NO END BOULEVARD SALISBURY, MA 01952
36-115	554 NO END BLVD	RICCIO CHRISTOPHER M RICCIO HEIDI 554 NO END BLVD SALISBURY, MA 01952
36-116	552 NO END BLVD	LUCAS F MICHAEL LUCAS LAUREN 552 NO END BLVD SALISBURY, MA 01952
	Subsequent owner:	LUCAS F MICHAEL LUCAS LAUREN F 552 NO END BLVD SALISBURY, MA 01952
36-156	3 5TH ST WEST	CYR WILLIAM A CYR STACIA C/O CYR STEPHEN 895 SALEM ST N ANDOVER, MA 01845

CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
36-025	557 NO END BLVD	KUCHAR ERICK W KUCHAR ELLEN M 557 NO END BLVD UNIT A SALISBURY, MA 01952

A B U T T E R S

36-170	559 NO END BLVD	PIECEWICZ JANE N PIECEWICZ MARCIA A 419 GREAT RD STOW, MA 01775
36-174	561 NO END BLVD	BOES JAMES ERIC BOES SHARON E 8 CORTLAND LN W NEWBURY, MA 01985-1220
36-177	2 5TH ST WEST	JOYCE SHARON L LE JOYCE JR JOHN J LE PO BOX 1688 SEABROOK, NH 03874-1688
36-180	4 5TH ST WEST	BURKE THOMAS J TR BURKE EVELYN A TR 4 5TH STREET WEST SALISBURY, MA 01952
36-189	551 NO END BLVD	MULCAHY JR JOHN K TR MULCAHY MAUREEN C TR 551 NO END BLVD SALISBURY, MA 01952
36-190	553 NO END BLVD	ALIQUO JOANNE C ALIQUO MARY 553 NO END BLVD SALISBURY, MA 01952

15 parcels listed



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

Abutter Notification Under the Massachusetts Wetland Protection Act.

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and any Town of Salisbury wetland ordinance, you are hereby notified of the following:

- A. The name of the applicant(s) is: Erick & Ellen Kuchar
B. Brief Project Description: Demolition / removal of a portion of the existing paved/concrete surfaces, and a set of stairs. Then the construction of a new pile supported pitless elevator, ramp, and other associated site improvements.
C. The applicant has filed a Notice of Intent ("NOI") with the Salisbury Conservation Commission seeking permission to remove, fill, dredge or alter an area, or buffer zone to an area, subject to protection under the Wetlands Protection Act and/or any Town of Salisbury wetland ordinance.
D. The address of the property where the activity is proposed is: 557 North End Blvd. (Map 36, Lot 25) (INCLUDE ASSESSOR'S MAP / LOT)
E. Copies of the NOI may be examined at the Salisbury Conservation Commission Office during all normal department hours of operation Monday through Friday. Contact information is below. You may also find helpful application materials on the "Current Project Applications & Plans" section of the Commission's website.
F. Copies of the NOI may be requested and obtained from the applicant's representative by calling during all normal hours of operation Monday through Friday. Contact information is below. A printing charge of \$20/set shall apply however electronic copies in PDF format may be requested at no charge.
G. Information regarding the date, time, and place of the public hearing may be obtained from the Salisbury Conservation Commission Office during all normal department hours of operation Monday through Friday. Contact information is below. You may also consult the "Agenda" section of the Commission's website.

NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the Newburyport Daily Newspaper.

NOTE: Notice of the public hearing, including its date, time, and place will be posted in the City or Town Hall not less than forty-eight (48) hours in advance: Hearing scheduled for: April 17, 2024

NOTE: You may also contact the applicant's representative, the Salisbury Conservation Commission, or the nearest Massachusetts Department of Environmental Protection (MassDEP) Regional Office for more information about this application, the Wetlands Protection Act, or any municipal wetland ordinance.

Table with 3 columns: Applicant's Representative Contact Info., Municipal Contact Info., and MassDEP Contact Info. Each column contains contact details such as name, address, phone, and email.



Conservation Commission
Town of Salisbury
5 Beach Road
Salisbury, Massachusetts 01952

Permission To Access Site*

Property Owner:

Name: Erick & Ellen Kuchar

Company: _____

Address: 6 Hansom Drive - Merrimac - Ma.

Telephone: (978) 807-1004

Email: _____

Authorized Agent (if applicable):

Name: Matthew A. Steinel

Company: Millennium Engineering, Inc.

Address: 62 Elm Street - Salisbury

Telephone: (978) 463-8980

Email: MSteinel@Mei-MA.com

Property Location:

557 North End Boulevard, Salisbury, MA
(street address)

Assessor's Map#: 36

Assessor's Lot #: 25

I hereby give permission to the Salisbury Conservation Commission, its agents and members or their designees, permission to enter my property at the above address in order to complete a site visit as needed for the review of one of the following applications:

- Notice of Intent
 Request for Determination of Applicability
 Abbreviated Notice of Resource Area Delineation
 Other: _____

(signature of property owner /authorized agent)

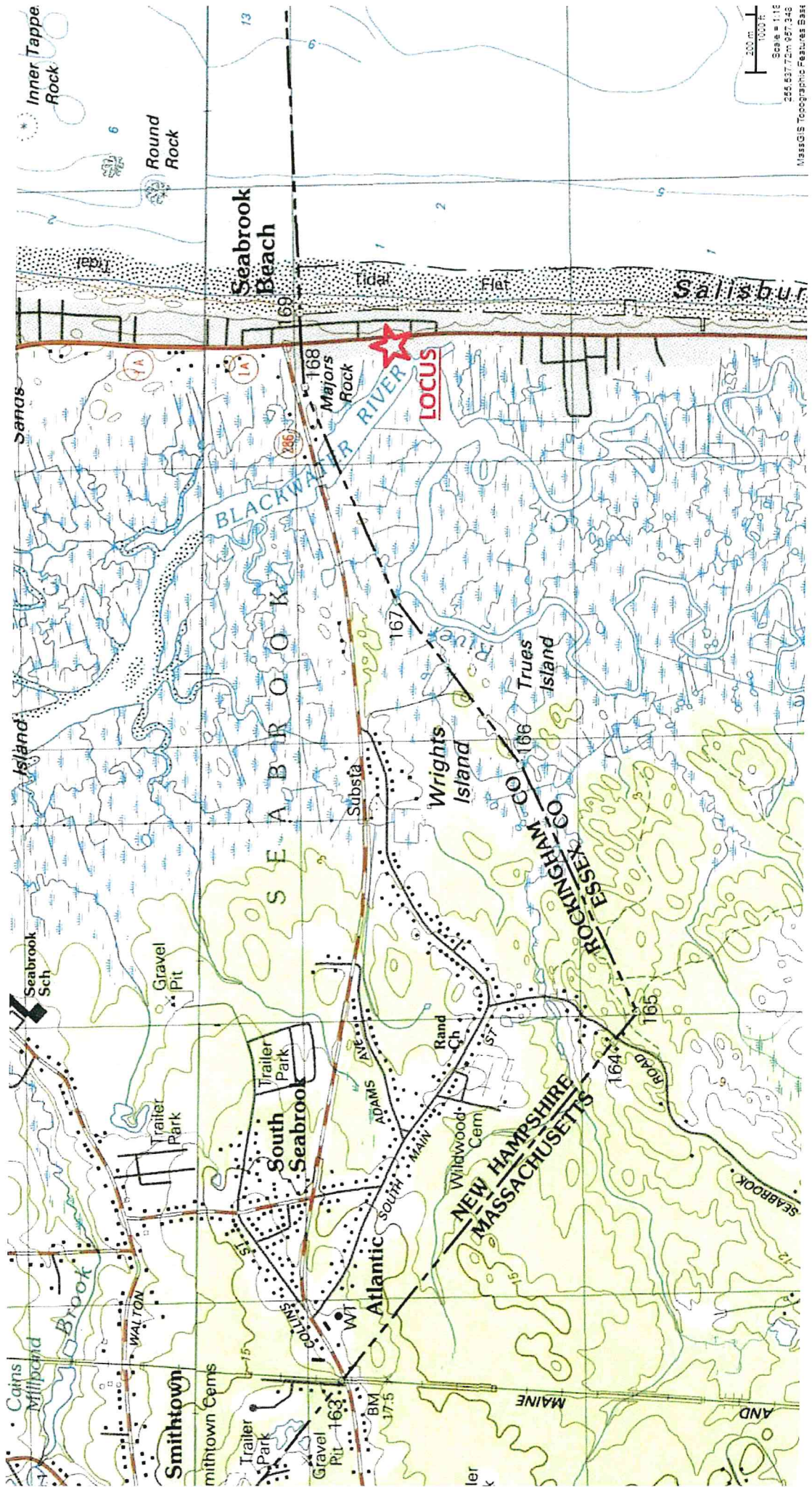
3 / 27 / 2024

(date)

Matthew A. Steinel, S.E., S.I.

(print name)

*Sites must allow clear and safe ingress/egress to the project area for the Commissioners, their agents, members and designees. Hearings may need to be continued for lack of information should site access not be possible.



300 m
1000 ft
Scale = 1:112
255 537 725 m 95° 7' 34 E
MassGIS Topographic Features Base

HESP Estimated Habitats of Rare Wildlife



National Flood Hazard Layer FIRMette

42°52'21.84"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone J*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMFRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/22/2020 at 1:54:15 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

70°48'46.93"W

