

Notice of Intent

**Filing Under the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40
and the Wetland Protection By-Law of the Town of Bourne**

PROPOSED SITE IMPROVEMENTS

198 NORTH ROAD

BOURNE, MASSACHUSETTS

Prepared for:

John Sweeney

Prepared by:



Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA
02540

TABLE OF CONTENTS

FORM 3 – NOTICE OF INTENT

ATTACHMENT A - PROJECT NARRATIVE

ATTACHMENT B – ABUTTERS NOTIFICATION INFORMATION

ATTACHMENT C - PLAN OF PROPOSED SITE IMPROVEMENTS

ATTACHMENT D - LANDSCAPE PLANS BY BARBARA CONOLLY

**ATTACHMENT E - SITE RETAINING WALLS PLAN BY BOUCHARD ENGINEERING,
PLLC**

FORM 3 – NOTICE OF INTENT



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

Bourne

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):

198 North Road

a. Street Address

Bourne

b. City/Town

02559

c. Zip Code

Latitude and Longitude:

41° 41' 19" N

d. Latitude

70° 38' 58" W

e. Longitude

Map 42

f. Assessors Map/Plat Number

Parcel 44 Lot A

g. Parcel /Lot Number

2. Applicant:

John

a. First Name

Sweeney

b. Last Name

c. Organization

198 North Road

d. Street Address

Pocasset

e. City/Town

MA

f. State

02559

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

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):

Michael

a. First Name

Borselli

b. Last Name

Falmouth Engineering, Inc.

c. Company

17 Academy Lane, Ste. 200

d. Street Address

Falmouth

e. City/Town

MA

f. State

02540

g. Zip Code

508.495.1225

h. Phone Number

i. Fax Number

erica@falmouthengineering.com

j. Email address

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

\$440.00

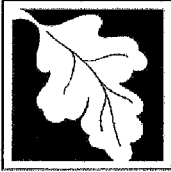
a. Total Fee Paid

\$207.50

b. State Fee Paid

\$232.50

c. City/Town Fee Paid



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Bureau of Resource Protection - Wetlands

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

Document Transaction Number

Bourne

City/Town

A. General Information (continued)

6. General Project Description:

The Applicant proposes to re-align the existing driveway, adjust parking, construct a roofed over patio area, install a low profile landscape wall, and fill and regrade a lawn area.

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

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Barnstable

a. County

13274

c. Book

b. Certificate # (if registered land)

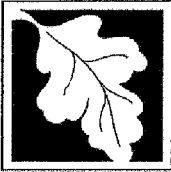
212

d. Page Number

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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MassDEP File Number _____

Document Transaction Number _____

Bourne

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. Riverfront Area
1. Name of Waterway (if available) - **specify coastal or inland** _____
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

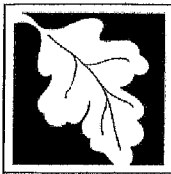
_____	_____	_____
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

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Bourne

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input checked="" type="checkbox"/> Coastal Banks	130 ± 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	4,600 ± 1. square feet	

4. 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.

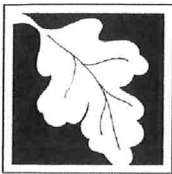
a. square feet of BWV

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings


Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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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

2008 _____

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/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

Bourne

City/Town

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

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

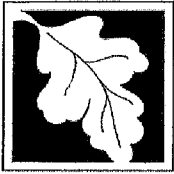
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

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

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

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

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

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC

- 5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
- 6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
- 7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - 2. A portion of the site constitutes redevelopment
 - 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 - 1. Single-family house
 - 2. Emergency road repair
 - 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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Bureau of Resource Protection - Wetlands

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D. Additional Information (cont'd)

3. Identify the method for BWV and other resource area boundary delineations (MassDEP BWV 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.

Plot Plan for 198 North Road

a. Plan Title

Falmouth Engineering, Inc.

b. Prepared By

12-31-21

d. Final Revision Date

Michael J. Borselli, P.E., Gary S. Labrie, P.L.S.

c. Signed and Stamped by

1" = 20'

e. Scale

Site Retaining Walls by Bouchard Engineering, PLLC

Landscape Plan by Barbara Conolly

10-18-21, 8-26-21

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:

19154, 19155

2. Municipal Check Number

19153

4. State Check Number

Falmouth Engineering, Inc.

6. Payor name on check: First Name

1-3-22

3. Check date

1-3-22

5. Check date

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
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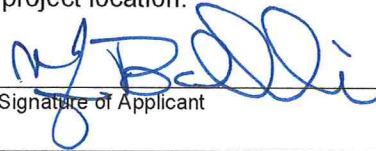

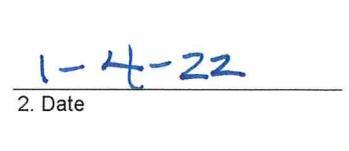




Bourne

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

 1. Signature of Applicant	 2. Date	 2. Date
3. Signature of Property Owner (if different)	 4. Date	 4. Date
5. Signature of Representative (if any)	 6. Date	 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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

198 North Road	Bourne
a. Street Address	b. City/Town
19153	\$207.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

John	Sweeney	
a. First Name	b. Last Name	
c. Organization		
198 North Road		
d. Mailing Address		
Pocasset	MA	02559
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

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.

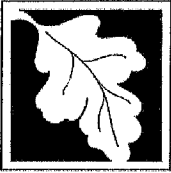
Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity 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

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1	4	\$110.00	\$440.00

Step 5/Total Project Fee: \$440.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$440.00</u>
State share of filing Fee:	<u>\$207.50</u>
City/Town share of filling Fee:	<u>\$232.50</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of John Sweeney, the applicant for 198 North Road. The Applicant proposes to re-align the existing driveway, adjust parking, construct a roofed over patio area, install a low profile landscape wall, and fill and regrade a lawn area.

The application is being jointly filed pursuant to the Massachusetts Wetlands Protection Act (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Bourne Wetlands Protection Bylaw.

2.0 Existing Conditions

The record lot area consists of approximately 110,500± square feet of land in a developed residential area of Bourne (refer to Figure 1-Site Location Map). Houses occupy the central portion of the site. Other residential properties abut either side of the site.

The property is developed typically for a residential property. There are lawn and landscaped areas, driveway landscape walls and other typical residential property features. The property has frontage on Wings Cove and Buzzards Bay beyond.

2.1 Regulated Wetland Resource Areas

Coastal resource areas within 100 feet of the proposed project include land under the ocean, coastal beach, dune, coastal bank, and land subject to coastal storm flowage.

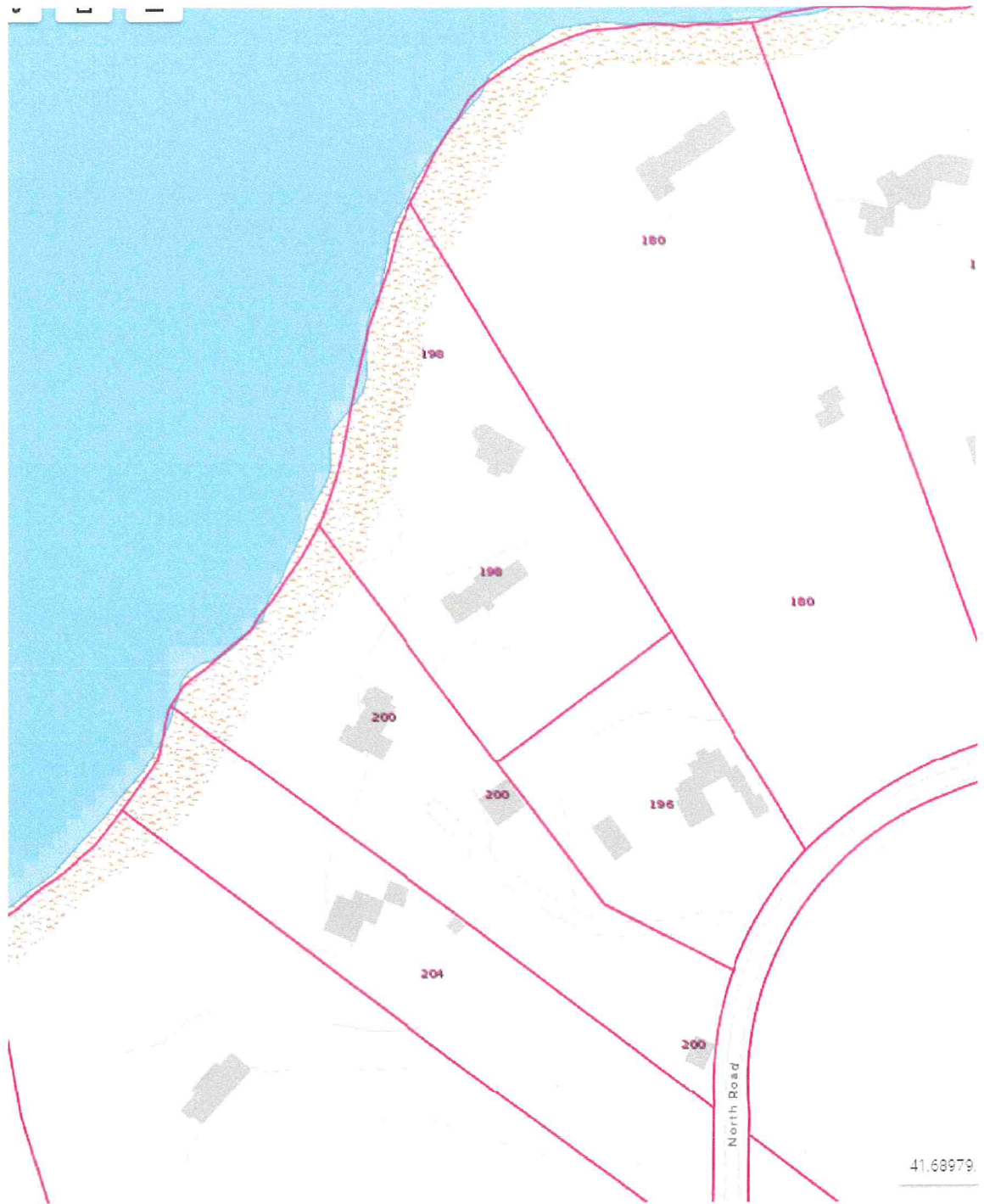


FIGURE 1- SITE LOCATION
MAP

198 NORTH ROAD BOURNE, MA

2.2 Estimated Habitat and Protected Species

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program indicates that the proposed dock construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

3.0 Proposed Project

The project proposes to re-align the existing driveway, adjust parking, construct a roofed over patio area, install a low profile landscape wall, and fill and regrade a lawn area. These proposed activities are detailed on the attached site plan and landscape plans.

The proposed details are depicted on the plans. The proposed landscape wall will be constructed in accordance with the details shown on the enclosed plans.

The purpose of the landscape wall is to allow for minor filling and regrading of the upland area to facilitate easier use and access of the existing lawn areas.

The other proposed activities are all within lawn or existing driveway areas. Significant landscape improvements are also proposed.

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The proposed landscape wall will be installed along the base of a non-eroding coastal bank. Installation will include excavation for a proposed footing, backfill and regrading.

Limited temporary impacts only are expected from the installation of the landscape wall.

All other proposed activities are within the buffer of a non-eroding coastal bank. No impacts to wetland resources are anticipated.

Conformance with performance standards

Through research, it was determined that the original house was constructed prior to August of 1978. Although the house was constructed prior to August of 1978, in the case of this application, the date of the house construction is not pertinent. What is pertinent is how the coastal bank functions.

There are two specific types of coastal banks, those that are significant to storm damage prevention and flood control because they supply sediment to coastal beaches, coastal dunes or barrier beaches and those that are significant to storm damage prevention and flood control because they are vertical buffers to storm waters and the stability of the bank and its natural resistance to bank erosion is critical to storm damage prevention and flood control. In our opinion, the latter condition, namely that the coastal bank is significant because it is a vertical buffer to storm damage and not a sediment source because it is stable lawn area and non-eroding.

The two specific cases are outlined at 310 CMR 10.30.

Case 1: WHEN A COASTAL BANK IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION OR FLOOD CONTROL BECAUSE IT SUPPLIES SEDIMENT TO COASTAL BEACHES, COASTAL DUNES OR BARRIER BEACHES, 310 CMR 10.30 (3) through (5) SHALL APPLY:

Provisions of this case include a prohibition against coastal engineering structures unless they are to protect a house constructed before August 10, 1978.

Although the house was constructed prior to August 1978, this case would not apply because the coastal bank is non-eroding and not a sediment source. To the contrary, the existence of the coastal bank acting as a vertical buffer is what provides storm damage prevention or flood control as described in Case 2.

Case 2: WHEN A COASTAL BANK IS SIGNIFICANT TO STORM DAMAGE PREVENTION OR FLOOD CONTROL BECAUSE IT IS A VERTICAL BUFFER TO STORM WATERS, 310 CMR 10.30 (6) through (8) SHALL APPLY:

310 CMR 10.30 (6) states: *“Any project on such a coastal bank or within 100 landward of top of such coastal bank shall have no adverse effects on the stability of the coastal bank”.*

The proposed landscape wall will have no adverse effects on the stability of the coastal bank, in fact, the wall will provide further protection and more stability to the coastal bank.

310 CMR 10.30 (7) states: *“Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.”*

As was stated previously, this coastal bank is non-eroding and is not a sediment source to a coastal beach, coastal dune or barrier beach.

310 CMR 10.30 (8) states: *“Notwithstanding the provisions of 310 CMR 10.30 (3) though (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.”*

There are no known specified habitat sites of rare or invertebrate species in this area.

In summary, in the case of this coastal bank, the second case described within the regulations found at 310 CMR 10.30 applies because the coastal bank does not provide a sediment to a coastal beach, coastal dune or barrier beach.

Instead, this coastal bank is significant to storm damage prevention or flood control because it is a vertical buffer. The proposed landscape wall will act to further protect this vertical buffer and can be approved.

6.0 Summary

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this bulkhead construction have been fully documented in the Notice of Intent submission. The project is designed to limit construction activities in a resource area to only the area of the proposed landscape wall.

For these reasons we are optimistic that Conservation Commission can issue a favorable Order of Conditions.

ATTACHMENT B

ABUTTERS NOTIFICATION INFORMATION

- **Affidavit of Service**
 - **Abutters Notification Letter**
 - **List of Abutters**
-

Affidavit of Service

Under the Massachusetts Wetlands Protection Act

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


I, Michael J. Borselli of Falmouth Engineering, Inc., as representative for the applicant, hereby certify under the pains and penalties of perjury that on January 5, 2022, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the MA Wetlands Protection Act by

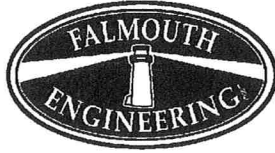
John Sweeney

with the Falmouth Conservation Commission on January 5, 2022 for property located at 198 North Road Bourne, MA.

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


Name

1-5-22
Date



Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA
02540

January 5, 2022

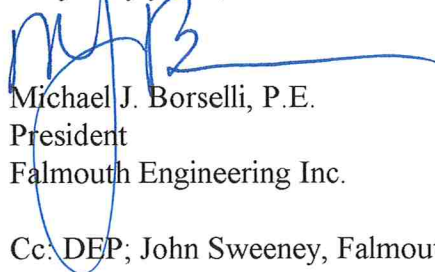
**Subject: Massachusetts Wetlands Protection Act
Abutter Notification of Filing of Notice of Intent**

Dear Abutter,

Falmouth Engineering, Inc. has submitted a Notice of Intent application to the Bourne Conservation Commission on behalf of John Sweeney, for the property at 198 North Road in Bourne. The Applicant proposes to re-align the existing driveway, adjust parking, construct a roofed over patio area, install a low profile landscape wall, and fill and regrade a lawn area. This application provides the Commission with the location and a description of the proposed work, and the wetland resources present on and adjacent to the proposed construction area.

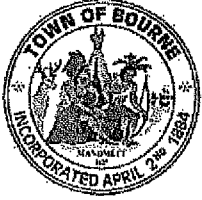
The resources depicted in this filing are subject to the Massachusetts Wetlands Protection Act (WPA) and the Bourne Wetland Protection By-law. The applicant is required under the WPA to notify abutters to the properties covered under the application. The Bourne Conservation Commission will hold a public hearing on this application. Information regarding the time, place (in person or virtual), and date of this hearing can be received from the Bourne Conservation Commission Office and will be posted in the local press at least five days prior to the hearing.

Very truly yours,



Michael J. Borselli, P.E.
President
Falmouth Engineering Inc.

Cc: DEP; John Sweeney, Falmouth Conservation Commission



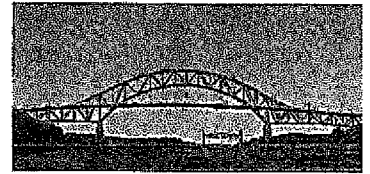
TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 1510 ♦ Fax (508) 759-8026



Michael Leitzel, Chairperson
Ellen Doyle Sullivan, Clerk
Donna Barakauskas, Member

Rui Pereira, MAA
Director of Assessing

November 22, 2021

Falmouth Engineering, Inc.
17 Academy Lane, Ste. 200
Falmouth, MA 02540

Reference: Abutters List for Map 42 Parcel 44
Subject Property: 198 North Road

Pursuant to the provisions of Massachusetts General Laws Chapter 141, Section 40, as amended, and the Town of Bourne Wetlands Protection Bylaw Article 3.7, enclosed is a list of names and addresses which constitutes abutters within 100 feet of the subject property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for a Notice of Intent application for the Conservation Commission.

Abutting properties are: Map 42 Parcels 42, 43 & 46.

The Assessor's Office has received your payment of \$10.00.

Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

*Ellen Doyle Sullivan -
Donna Barakauskas
Michael Leitzel*

Report #24: Owner Listing Report
Fiscal Year 2022

Bourne MA

1 Abutlers List
LIVE
Key IN 8799,8800,8802

Extract:
Database:
Filter:
Sort:

Key	Parcel ID	Owner	Location	L/C/LI	Bk-Pri(Cert) /DI	Mailing Street	Mailing City	ST	Zip Cd/County
8799	42-0-42-0	CIAMPA KEITH G ETUX CHERYL BRICKER CIAMPA	180 NORTH RD	N	2602/2224	PO BOX 832	POCASSET	MA	02558-0932
8800	42-0-43-0	SWEENEY JOHN E	196 NORTH RD	N	1327/4212	198 NORTH RD	POCASSET	MA	02559
8802	42-0-46-0	POLEY MICHAEL F II LINDA A FOLEY	200 NORTH RD	N	7532/184	PO BOX 1232	POCASSET	MA	02559

Total Records 3

ATTACHMENT C

PLAN OF SITE IMPROVEMENTS

ATTACHMENT D

LANDSCAPE PLANS BY BARBARA CONOLLY

ATTACHMENT E

**SITE RETAINING WALLS PLAN BY BOUCHARD ENGINEERING,
PLLC**
