

Notice of Intent Application

217 Presidents Road
Bourne (Gray Gables), MA
Map 26.1 – Parcel 165

February 2, 2022



Main Office:

49 Herring Pond Road
Buzzards Bay, MA 02532

508-833-0070 Ext 303
508-833-2282 (fax)

Nantucket Office:

19 Old South Road
Nantucket, MA 02554

508-325-0044

Mansfield Office:

905 S. Main Street
Mansfield, MA 02048

508-618-3029

List of Materials and Plans submitted with NOI Application

1. Narrative
2. Notice of Intent – WPA Form 3
3. Bourne Conservation Commission Forms
 - a. NOI Filing Information Worksheet
 - b. NOI Authorization Form
 - c. Waiver Agreement
 - d. Commission Member Waiver Request
 - e. Site Inspection Authorization
 - f. Filing Fee Submittal Form
4. Maps showing Project Site
 - a. USGS Topographic Map
 - b. Aerial Orthophoto
 - c. FEMA Flood Insurance Rate Map
 - d. Aerial - NHESP Map
5. Directions to Site
6. Abutter Documents
 - a. Affidavit of Service
 - b. Certified Abutters List
 - c. Notification to Abutters
 - d. Proof of Mailing
7. Plan: “*Proposed Conservation Site Plan in Bourne, MA*”, prepared by Bracken Engineering, Inc., dated February 1, 2022

PROJECT NARRATIVE

Prepared for

John J. Mitchell III

217 Presidents Road, Bourne

Map 26.1 Parcel 165

On behalf of the Applicant John J. Mitchell III, Bracken Engineering, Inc. respectfully submits this Notice of Intent (NOI) for work within the 100-foot buffer zone to a rocky intertidal shore, 50-foot and 100-foot buffer zone to a coastal bank, and FEMA Special Flood Hazard VE el.18' zone. The project consists of the maintenance of an existing granite bulkhead located to the north of an existing single-family dwelling. The property is a developed parcel located at the westerly end of Presidents Road. The property is abutted by single family dwellings to the east and south and the Cape Cod Canal to the north and west.

Wetland Resource Areas

The wetland resource areas identified on the property are a rocky intertidal shore on the northwest of the parcel, a coastal bank on the northeast and southwest of the parcel, land under water bodies / land subject to tidal action to the northeast, north, west, and southwest of the parcel, and land subject to coastal storm flood throughout the parcel. There are no estimated habitats of rare wildlife or priority habitats of rare species located on the parcel as designated by the Natural Heritage and Endangered Species Program 15th edition.

Proposed Project

The Applicant proposes to excavate and stabilize behind the existing granite bulkhead to correct sinkholes at the site. Existing gravel on the south of the bulkhead will be removed, voids will be filled in the bulkhead with stone to prevent erosion, Mirafi 700x filter fabric will be lined along the interior of the bulkhead and base of the excavation, a 12" thick layer of ¾" stone will be lined along the interior of the bulkhead after the application of the filter fabric, backfill new gravel, and compact to 95% standard density. Refer to the attached site plan for more detail. The project is located within the 50-foot and 100-foot buffer zones to a coastal bank, the 100-foot buffer zone to a rocky intertidal shore, and the FEMA special flood hazard VE el.18' zone. Work only takes place within the limits of the existing bulkhead, proposed 20-foot-wide construction access (to be restored to pre-construction conditions), and staging area abutting the southeast of the bulkhead.

Performance Standards

Protection of Public and Private Water Supply and Ground Water Supply

The site is not located within a DEP defined Zone I or II wellhead protection area. Therefore, the public and private water supply and groundwater supply protection interests of the Act and the Bylaw will be upheld.

Flood Control and Storm Damage Prevention

The property is located within a VE el. 18' Flood Hazard Zone. The proposed project will improve existing conditions through stabilizing the bulkhead. The size and height of the bulkhead is to be maintained. The proposed project will provide improved flood control and storm damage prevention while enhancing the ability of the site to infiltrate stormwater and reduce erosion. Therefore, the flood control and storm damage prevention interests of the Act and Bylaw will be maintained.

Prevention of Pollution

Erosion control measures consisting of staked filter sock and/or silt fence will be implemented. Therefore, the pollution interests of the Act and Bylaw will be upheld.

Protection of Fisheries, Shellfisheries, Wildlife Habitat and Riverfront Areas

The Site does not contain mapped NHESP designated areas (Estimated or Priority Habitats) or any certified or potential vernal pools. All work is within developed areas on the lot and is not anticipated to adversely impact an adjacent wildlife habitat. Therefore, the fisheries, shellfisheries, wildlife habitat and riverfront interests of the Act and Bylaw shall be protected.

Summary

The Applicant seeks to maintain the existing granite bulkhead located to the north of an existing single-family dwelling. Appropriate measures are proposed to be employed to minimize adverse effects and prevent erosion and migration of sediment that may otherwise impact resource areas. As proposed, the Project has met the burden of proof established under the Act and Bylaw. Therefore, the Applicant respectfully requests issuance of an Order of Conditions by the Conservation Commission.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and Town of Bourne Wetland Protection Bylaw 3.7 and its Wetland Regulations

Provided by MassDEP:
SE7-
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):

<u>217 Presidents Road</u>	<u>Bourne</u>	<u>02532</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>26.1</u>	<u>41° 44'02.84" N</u>	<u>70° 37'24.25" W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>165</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>John J.</u>	<u>Mitchell, III</u>	
a. First Name	b. Last Name	
c. Organization		
<u>8 Little Boot Lane</u>		
d. Street Address		
<u>Westwood</u>	<u>MA</u>	<u>02090</u>
e. City/Town	f. State	g. Zip Code
<u>617-686-4061</u>	<u>jmitchell@audaxgroup.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u>John J. & Colleen K.</u>	<u>Mitchell, III</u>	
a. First Name	b. Last Name	
c. Organization		
<u>SAME</u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Zachary L.</u>	<u>Basinski, PE, CFM</u>	
a. First Name	b. Last Name	
<u>Bracken Engineering, Inc.</u>		
c. Company		
<u>49 Herring Pond Road</u>		
d. Street Address		
<u>Buzzards Bay</u>	<u>MA</u>	<u>02532</u>
e. City/Town	f. State	g. Zip Code
<u>508-833-0070</u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid
		<u>\$125.00</u>
		BOURNE BYLAW Fee



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A. General Information (continued)

6. General Project Description:

The proposed project is to maintain and stabilize an existing granite bulkhead located north of the existing single-family dwelling on the property.

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

30170

c. Book

b. Certificate # (if registered land)

100

d. Page Number

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

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

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



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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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



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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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes, Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, and Land Subject to Coastal Storm Flowage.

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 BVW b. square feet of Salt Marsh

5. 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

- 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**

August 1, 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*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
- Assessor's Map or right-of-way plan of site

- 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.



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

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

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

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

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

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



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

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

D. Additional Information

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

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

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

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



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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.

Proposed Conservation Site Plan in Bourne, MA

a. Plan Title

Bracken Engineering, Inc.

Zachary L. Basinski, PE, CFM / Alan M. Grady, PLS

b. Prepared By

c. Signed and Stamped by

2/1/2022

1" = 30'

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:

16836

2/2/2022

2. Municipal Check Number

3. Check date

16837

2/2/2022

4. State Check Number

5. Check date

Bracken Engineering, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

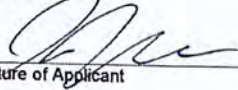
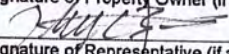
BOURNE

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.

<p>1. Signature of Applicant <u></u></p>	<p>2. Date <u>1/19/22</u></p>
<p>3. Signature of Property Owner (if different) <u></u></p>	<p>4. Date <u>1/31/22</u></p>
<p>5. Signature of Representative (if any) BRACKEN ENGINEERING, INC.</p>	<p>6. Date</p>

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:

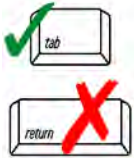
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

217 Presidents Road	Bourne
a. Street Address	b. City/Town
16837	\$42.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

John. J.	Mitchell, III	
a. First Name	b. Last Name	
c. Organization		
8 Little Boot Lane		
d. Mailing Address		
Westwood	MA	02090
e. City/Town	f. State	g. Zip Code
617-686-4061	jmittchell@audaxgroup.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

John J. & Colleen K.	Mitchell, III		
a. First Name	b. Last Name		
c. Organization			
SAME			
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
Category 1 (a)	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110.00
Step 6/Fee Payments:			
Total Project Fee:			\$110.00
State share of filing Fee:			\$42.50
City/Town share of filing Fee:			\$67.50
			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.)

Notice of Intent Authorization Form

Please print in black or blue ink

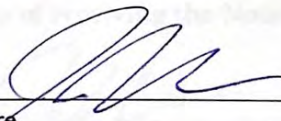
We, John J. Mitchell, III & Colleen K. Mitchell the property owners of a parcel of land located at 217 Presidents Road Bourne Assessor's Map 16.1 Parcel 165, are filing a Notice of Intent with the Conservation Commission.

We have authorized the following person(s) or firm(s) to act on my behalf and to represent me before the Commission during the public hearing review.

BRACKEN ENGINEERING, INC.

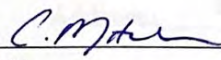
We also certify to the Commission that we are in full compliance with Town of Bourne Bylaw section 3.11.2 "Right to Revoke or Suspend Licenses or Permits for Non-Payment of Taxes or Assessments", in that any "taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D" have been paid.

Through our signature we attest that this instrument and its statements have been prepared honestly.


Signature

1/19/22
Date

Print Name: John J. Mitchell


Signature

1/20/22
Date

Colleen Mitchell
Print Name

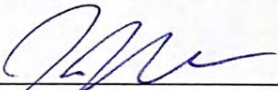
Waiver Agreement

Bourne Conservation Commission
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

Commissioners:

I hereby waive the time requirement set forth in Chapter 131 s. 40 (Wetlands Protection Act), its regulations at 310 CMR 10.00, and the Town of Bourne Wetlands Protection Bylaw Article 3.7. I understand the Commission will make every effort to hold a public hearing within the mandated 21 day time frame and render a decision within the subsequent 21 day time frame upon closure of the hearing.

In agreeing with this waiver the public hearing will take place within 35 days of receiving the Notice of Intent.



Applicant's or Representative's
Signature

1/19/22
Date

Applicant's Name: (*print*) John J. Mitchell III

Address: 8 Little Boot Lane, Westwood, MA 02090

Telephone: (617) 686-4061

Project Location: 217 Presidents Road (Map 26.1, Parcel 165)


Commission Member Waiver Request

Bourne Conservation Commission
Town of Bourne
24 Perry Ave.
Buzzards Bay, MA 02532

Dear Commissioners:

The applicants and/or owners of the below referenced property hereby waive the right to require the same Commission members to be present at any and all continued hearings on this matter.

This is necessary for the Commission to allow a continuance to be granted to the project and is in conformance with the opinion of Town Counsel. Should a continuance be necessary the only alternatives are for the applicant to request a continuance to a future meeting when the same Commission members are present or to withdraw and re-file at a future time.



Applicant's or owner's signature

1/19/22

Date

Applicant's name: John J. Mitchell, III (print)

Address: 8 Little Boot Lane, Westwood, MA 02090

Telephone: (617) 686-4061

Project Location: 217 Presidents Road

Town Map 26.1 Parcel 165 Lot _____

Project description: _____

Proposed maintenance of an existing granite bulkhead.

Town of Bourne
CONSERVATION COMMISSION


24 Perry Avenue
Buzzards Bay, Massachusetts 02532

Site Inspection Authorization

This form must be signed and dated by the property owner:

As the owner of the property which is the subject of this permit application, I grant to members and agents of the Bourne Conservation Commission the right to enter, inspect and sample the premises for the following:

1. To evaluate site conditions and verify information contained in the application prior to and during the hearing process.
2. To monitor the site during construction.
3. To verify compliance with the permit after the project's completion.



Signature

1/19/22

Date

217 Presidents Road (Map 26.1, Parcel 165)

Address of Proposed Work (*include map and parcel*)

217 Presidents Road
(Map 26.1, Parcel 165)

Town of Bourne
CONSERVATION COMMISSION
Filing Fee Submittal Form

On January 6, 1993 the Conservation Commission adopted the following fee schedule for projects reviewed under the Town of Bourne Wetland and Natural Resource Protection Bylaw Article 3.7. The fee schedule was reviewed again on November 6, 2003 and revisions were implemented on July 1, 2004 and again on January 1, 2007 with the approval of the Bourne Conservation Commission and the Board of Selectmen.

All categories refer to G.L. Ch. 131 s. 40 filing fee schedule. **4/12/06**

CATEGORY 1. 1 X \$110.00 = 110.00
No. Category 1 Activities Total Category 1 Fee

CATEGORY 2. _____ X \$500.00 = _____
No. Category 2 Activities Total Category 2 Fee

CATEGORY 3. _____ X \$1,050.00 = _____
No. Category 3 Activities Total Category 3 Fee

CATEGORY 4. _____ X \$1,450.00 = _____
No. Category 4 Activities Total Category 4 Fee

CATEGORY 5. \$4.00 per linear foot with a \$100.00 minimum fee and a \$2000.00 maximum fee. **(DOCKS)**

_____ X \$4.00 = _____
Total Linear Feet Total Category 5 Fee

**FOR NOTICES OF INTENT THERE IS A MINIMUM CHARGE OF \$125.00. ANY
CALCULATION LESS THAN \$125.00 MUST PAY \$125.00, ANY CALCULATION PRODUCING
A FIGURE GREATER THAN \$125.00 MUST PAY THE CALCULATED RATE.**

CATEGORY 6 (ANRAD) \$2.00/LIN.FT. UP TO \$200 FOR SFH, NO MORE THAN \$2000 (ALL OTHER ACTIVITIES)

_____ X \$2.00 = _____
TOTAL LINEAR FEET **TOTAL CATEGORY 6 FEE**

CATEGORY 7. \$50.00 per activity listed below.
Request for Emergency Certification - \$50.00

_____ X \$50.00 = _____
No. Category 7 Activities Total Category 7 Fee

CATEGORY 8. \$75.00 per activity listed below.
Request for Determination - \$75.00
Request for Certificate of Compliance - \$75.00
Request for Extension Permit - \$75.00
Request for Amended Order of Conditions - \$75.00

_____ X \$75.00 = _____
No. Category 8 Activities Total Category 8 Fee

TOTAL FILING FEE SUBMITTED = \$125.00

Name John J. Mitchell, III

Address 8 Little Boot Lane, Westwood, MA 02090

Tel. (617) 686-4061

Signature 

Date 1/19/22

Fees may be waived at the discretion of the Conservation Commission for non-profit or educational organizations or for those projects considered by the Commission to be an environmental improvement project. Extenuating circumstances or hardship the applicant may be experiencing may also be considered for reason to waive the filing fee.



Town of Bourne
CONSERVATION COMMISSION

24 Perry Avenue
Buzzards Bay, Massachusetts 02532

NOTICE OF INTENT FILING INFORMATION WORKSHEET

In order to expedite the processing of your Notice of Intent filing with the Bourne Conservation Commission, please complete this information sheet and submit it with your application.

1. Applicant Name: John J. Mitchell, III
2. Applicant Address: 8 Little Boot Lane, Westwood, MA 02090
3. Property Owner Name: John J. Mitchell, III & Colleen K. Mitchell
4. Property Owner Address: SAME
5. Representative Name: Zachary L. Basinski, PE, CFM of Bracken Engineering, Inc.
6. Representative Address: 49 Herring Pond Road, Buzzards Bay, MA 02532
7. Project Address: 217 Presidents Road
8. Project Map and Parcel Number: Map 26.1 Parcel 165
9. Book and Page # County Barnstable Book 30170 Page 100
10. Project Description: Maintenance and stabilization of an existing granite bulkhead.

11. Is this project in an AE flood zone? Yes No
12. Is this project in a V flood zone? Yes No
13. Is this project within 100 feet of a wetland resource area? Yes No
14. Is this project within 200 feet of a riverfront? Yes No
15. Plan Title and Date: Proposed Conservation Site Plan prepared by Bracken Engineering, Inc., dated 2/1/2022
16. Plan signed and stamped by: Zachary L. Basinski, PE, CFM and Alan M. Grady, PLS
17. Total Fee: (From Appendix B: Wetlands Fee Transmittal Form) \$ \$ 67.50 NOI Portion
\$125.00Town By-Law

217 Presidents Road, Bourne

Map 26.1 Parcel 165

USGS TOPO

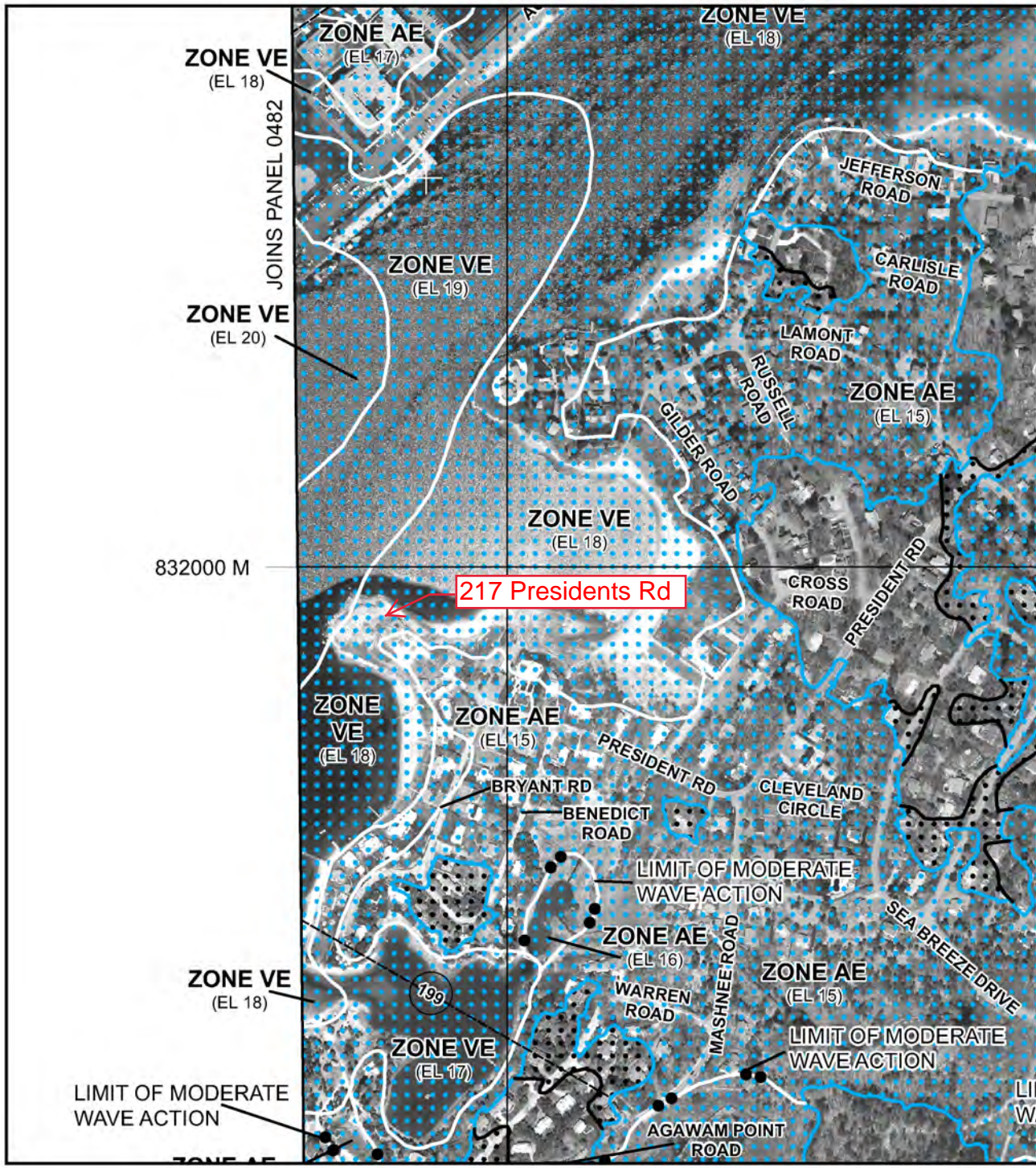


217 Presidents Road, Bourne

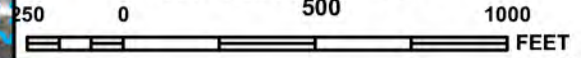
Map 26.1, Parcel 165

Aerial Orthophoto





MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0501J

FIRM
FLOOD INSURANCE RATE MAP
BARNSTABLE COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 501 OF 875
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BOURNE, TOWN OF	255210	0501	J

-NOTE-
 THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
25001C0501J
EFFECTIVE DATE
JULY 16, 2014

Federal Emergency Management Agency

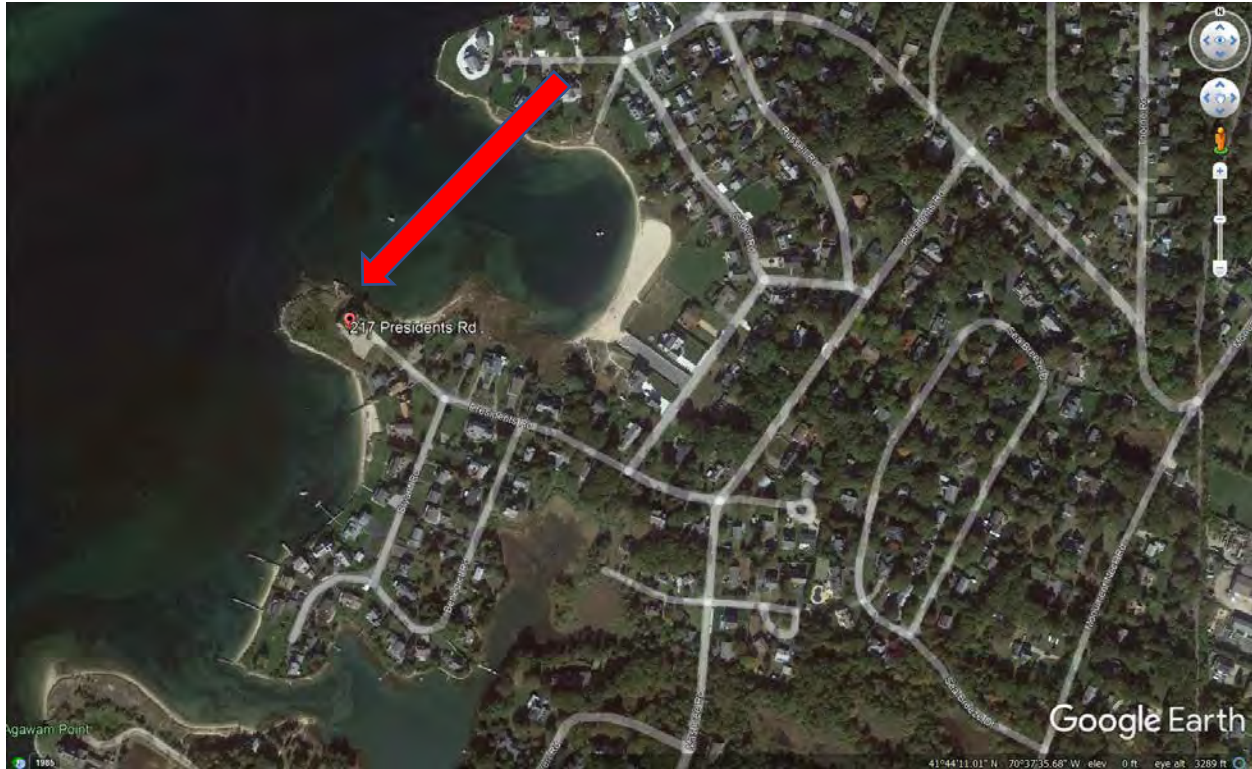
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

217 Presidents Road, Bourne

Map 26.1 Parcel 165

NHESP Map (8.1.2021)





Directions to 217 Presidents Road from the Bourne Town Hall:

- Take Perry Avenue to Main Street;
- Turn right onto Main Street;
- At the traffic circle, take the 3rd exit onto the MA-28 S/MA-25 W ramp to Falmouth;
- Keep right at the fork, follow signs for MA-28S/Falmouth/The Islands;
- Continue onto MA-28S;
- At the Bourne Rotary take the 2nd exit onto Trowbridge Road;
- Continue onto Shore Road;
- Continue straight onto Monument Neck Road;
- Take a slight right onto Presidents Road;
- Turn left to stay on Presidents Road;
- Turn right to stay on Presidents Road; and
- The destination will be at the end of the Road.

Travel time is approximately 10 minutes

Location is 4.2 miles from Town Hall

AFFIDAVIT OF SERVICE

Under the

Massachusetts Wetland Protection Act (Chapter 131, Section 40)

and the

Town of Bourne Wetland Protection Bylaw (Article 3.7) and its *Regulations* (BWR 1.05 (e))

I, Penni L. Pomeroy, on behalf of John J. Mitchell, III, hereby certify under the pains and penalties of perjury that on February 2, 2022, I gave notification to abutters in compliance with the Town of Bourne Bylaw (Article 3.7) and *Wetlands Protection Act*, in connection with the following matter:

A Notice of Intent was filed under the Town of Bourne's *Wetland Protection Bylaw* (Article 3.7) and the *Massachusetts Wetlands Protection Act* by Bracken Engineering, Inc., on behalf of John J. Mitchell, III, with the Town of Bourne's Conservation Commission on February 2, 2022 for the property located at 217 Presidents Road, Map 26.1, Parcel 165 in Bourne, Massachusetts.

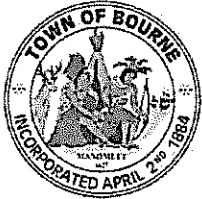
The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Penni L. Pomeroy
Bracken Engineering, Inc.

February 2, 2022

Date



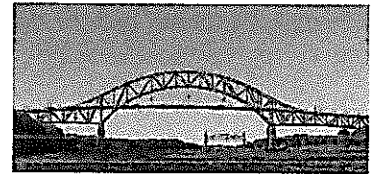
TOWN OF BOURNE

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

January 20, 2022

John J. Mitchell III
c/o Bracken Engineering, Inc.
49 Herring Pond Rd.
Buzzards Bay, MA 02532

Reference: Abutters List for Map 26.1 Parcel 165
Subject Property: 217 Presidents 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 26.1 Parcels 164, 166, 167, 167.01 & 185.

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

Extract: 1 Abutters List
 Database: LIVE
 Filter: Key IN 5380,5382,5383,5384,5398
 Sort:

Report #24: Owner Listing Report
 Fiscal Year 2023

Bourne MA

Key	Parcel ID	Owner	Location	LC/Ci	Bk-Pg(Cert) /Dt	Mailing Street	Mailing City	ST	Zip Cd/County
5380	26.1-164-0	MADIGAN FRANCIS W JR ETAL TRS MARY MADIGAN TRUST	216 PRESIDENTS RD	Y 1090	226400 5/26/2021	101 BARRY RD UNIT 18D	WORCESTER	MA	01609
5382	26.1-166-0	SPELLMAN HEATHER M & DOROTHY DESTEFANO	213 PRESIDENTS RD	N 1010	34265/324 7/1/2021	213 PRESIDENTS RD	BOURNE	MA	02532
5383	26.1-167-0	MEDEIROS PAUL J TR PAUL J MEDEIROS TRUST	211 PRESIDENTS RD	N 1090	28514/58 11/18/2014	PO BOX 1258	POCASSET	MA	02558-1258
5384	26.1-167-1	MANZI DOROTHY S	5 BRYANT RD	N 1010	3091/269 5/5/1980	113 WEATHERLY WAY	PELHAM	AL	35124
5398	26.1-185-0	TOWN OF BOURNE BEACH AREA/GRAY GABLES	0 GILDER RD	N 9300	N/A/N/A	24 PERRY AVE	BUZZARDS BAY	MA	02532

Total Records 5

**NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT
Chapter 131, Section 40**

In accordance with the 2nd paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the Applicant is: **John J. Mitchell, III**
- B. The Applicant has filed a Notice of Intent (NOI) with the Bourne Conservation Commission seeking permission to perform work which might: remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws, Chapter 131, Section 40).
- C. Description of the Project:
The project consists of the maintenance of an existing granite bulkhead located to the north of an existing single-family dwelling.
- D. The location where the activity is proposed is:
217 Presidents Road (Map 26.1, Parcel 165).
- E. Copies of the Notice of Intent may be examined at the Bourne Conservation office, Town Hall 24 Perry Avenue, between the hours of 8:30 a.m. and 4:30 p.m. (Monday – Friday) Tel. 508-759-0600 Ex 1344 or can be obtained from the Applicant’s Representative: Bracken Engineering, Inc., 49 Herring Pond Road, Buzzards Bay, MA 02532, between the hours of 8:00 a.m. and 5:00 p.m. (Monday – Friday) Tel: 508-833-0070.
- F. T The Public Hearing is scheduled for **Thursday, February 17th at 7:00 p.m.** via ZOOM until further notice.

NOTE: Notice of the scheduled Public Hearing:

1. Will be published at least five (5) days in advance in the Bourne Enterprise newspaper; and,
2. Meeting agendas are posted on the Town of Bourne’s website no less than 48 hours in advance of the hearing. www.townofbourne.com/conservation

NOTE: You may also contact the Department of Environmental Protection Southeast Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP’s Southeast Regional Office: 508-946-2800

7020 3160 0000 4324 9942

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Dept. of Environmental Protection
 Box 4062
 Boston, MA 02211

217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0000 4324 9997

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Paul J. Medeiros, TR
 Paul J. Medeiros Trust
 P.O. Box 1258
 Pocasset, MA 02559-1258

217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0000 4324 9973

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OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Francis W. Madigan, Jr., Et al TRS
 Mary Madigan Trust
 101 Barry Road, Unit 18D
 Worcester, MA 01609

217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0000 4324 9928

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Dorothy S. Manzi
 113 Weatherly Way
 Pelham, AL 35124

217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0000 4324 9969

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Heather M. Spellman &
 Dorothy DeStefano
 213 Presidents Road
 Bourne, MA 02532

217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0000 4324 9935

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage: \$.53
 Certified Fee: \$ 3.75
 Return Receipt Fee: \$ 3.05
 Total Postage & Fees: \$ 7.33

Town of Bourne
 Beach Area/Gray Gables
 24 Perry Avenue
 Buzzards Bay, MA 02532

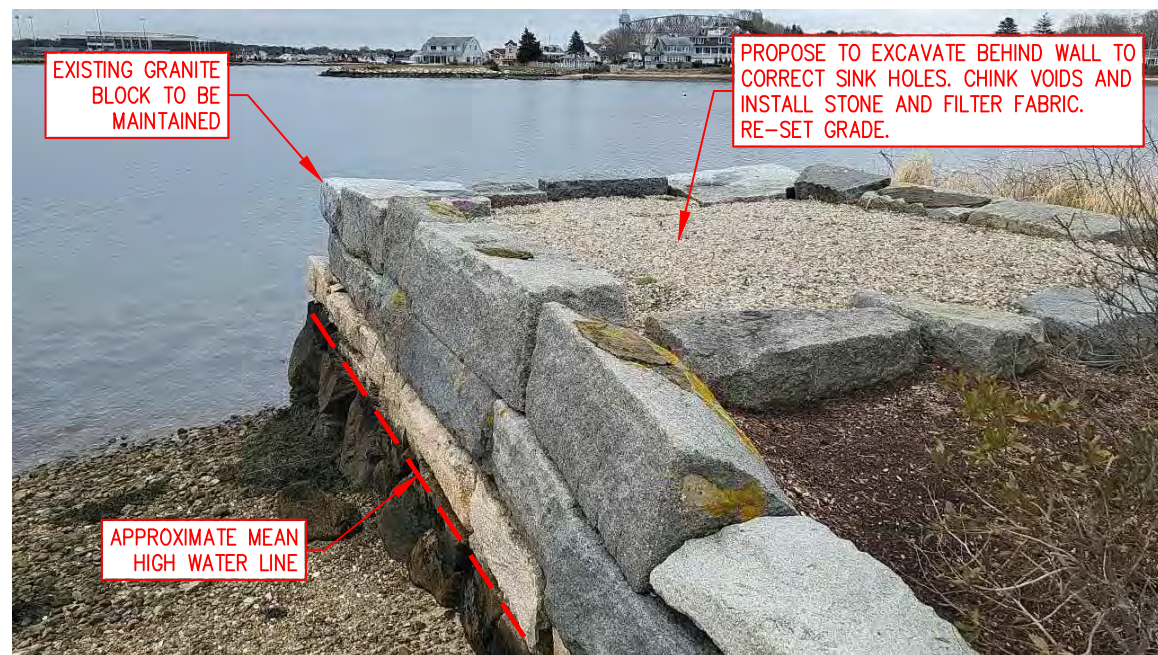
217 Presidents Road, Bourne - NOI

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions





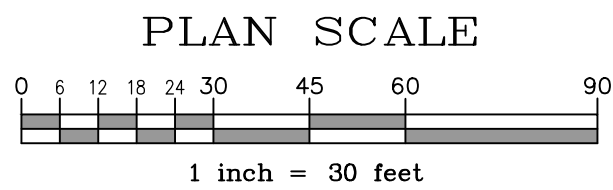
SINK HOLE IN GRAVEL SURFACE



EXISTING GRANITE BLOCK BULKHEAD

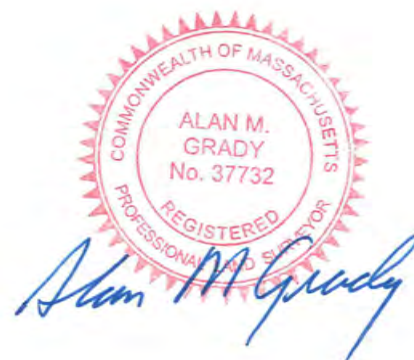
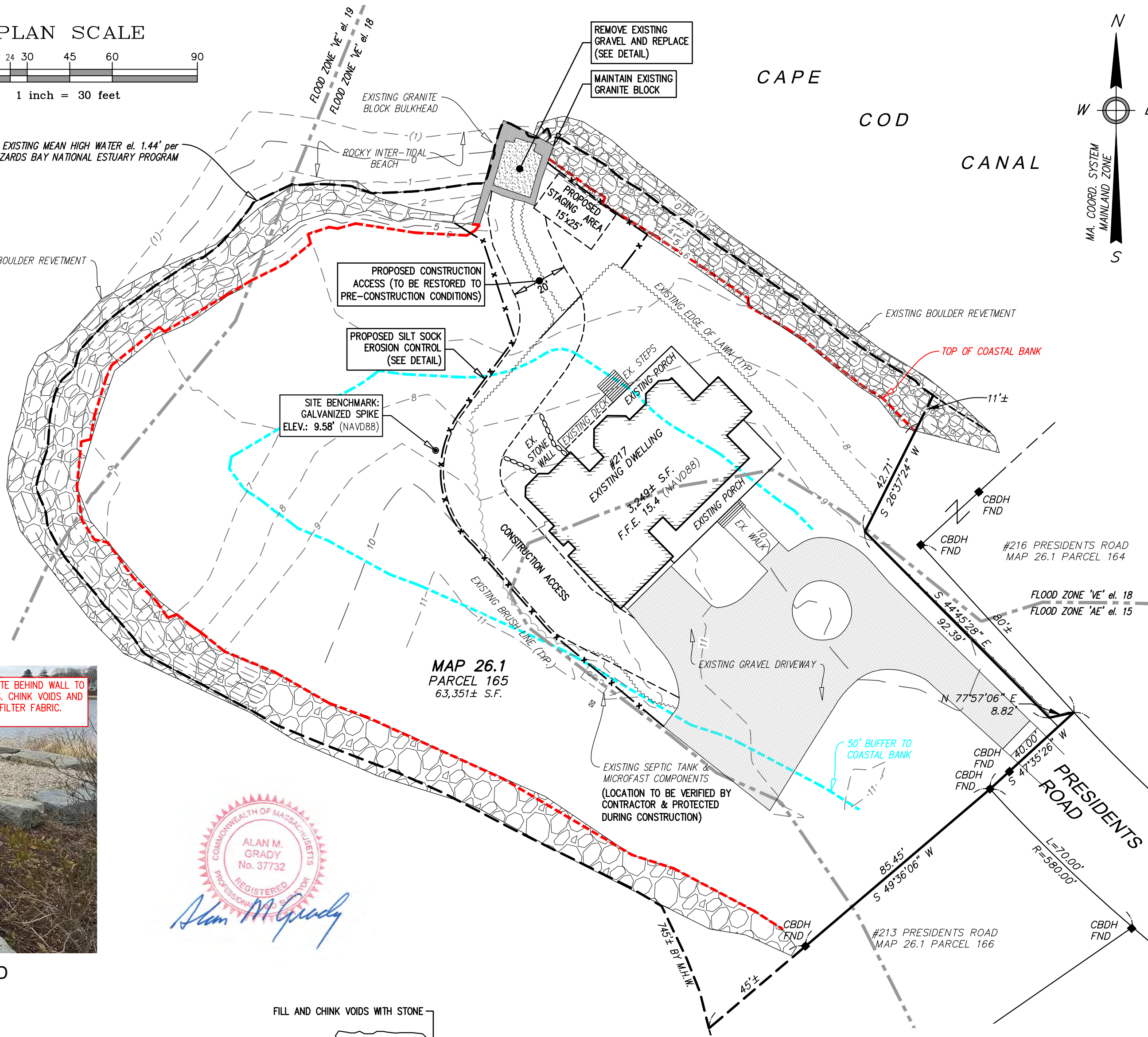


EXISTING BULKHEAD LOOKING NORTH

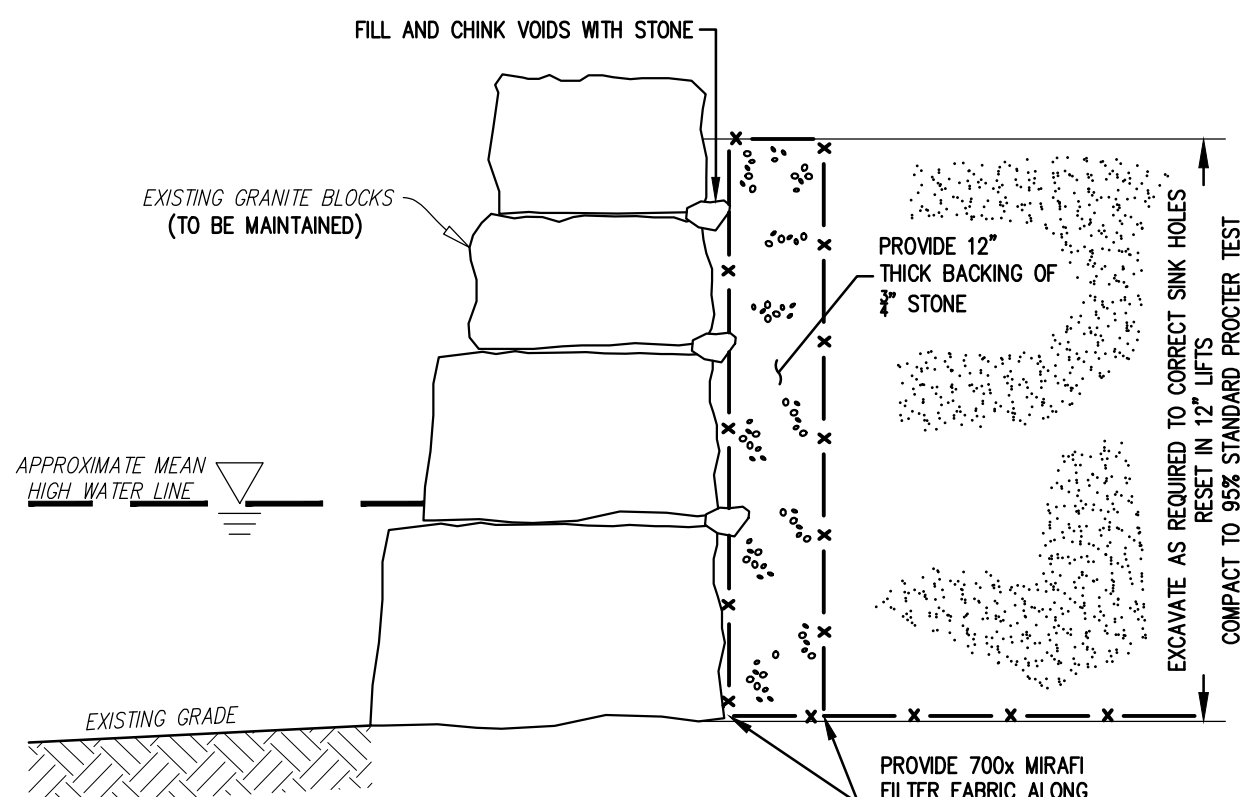


EXISTING MEAN HIGH WATER el. 1.44' per BUZZARDS BAY NATIONAL ESTUARY PROGRAM

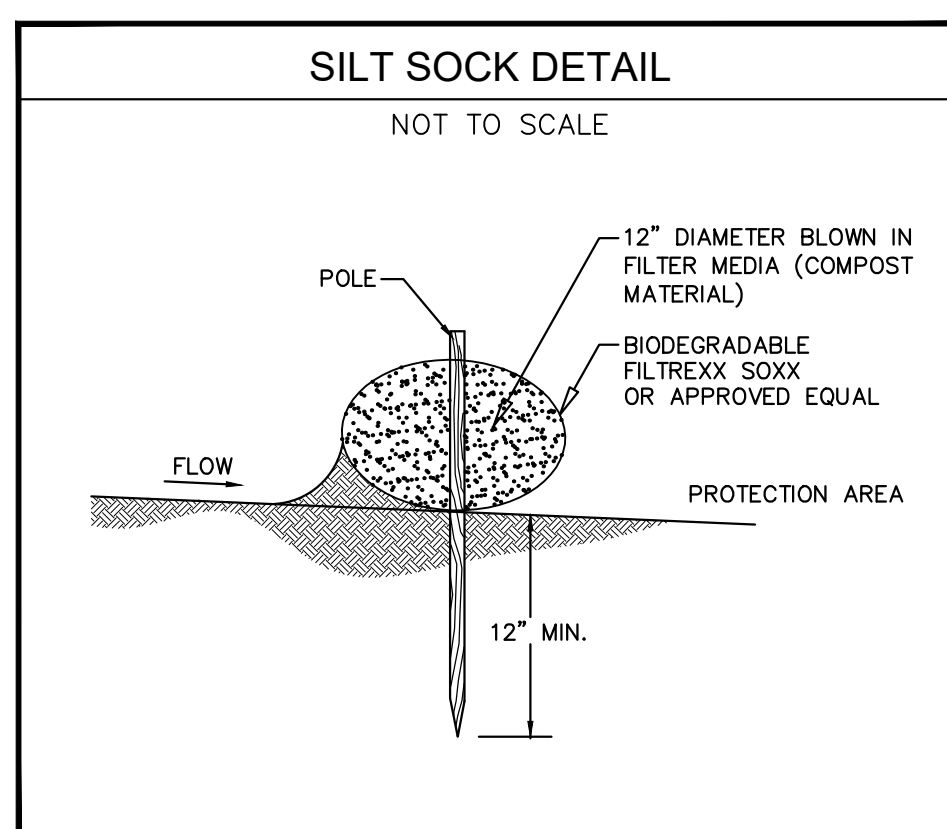
EXISTING BOULDER REVETMENT



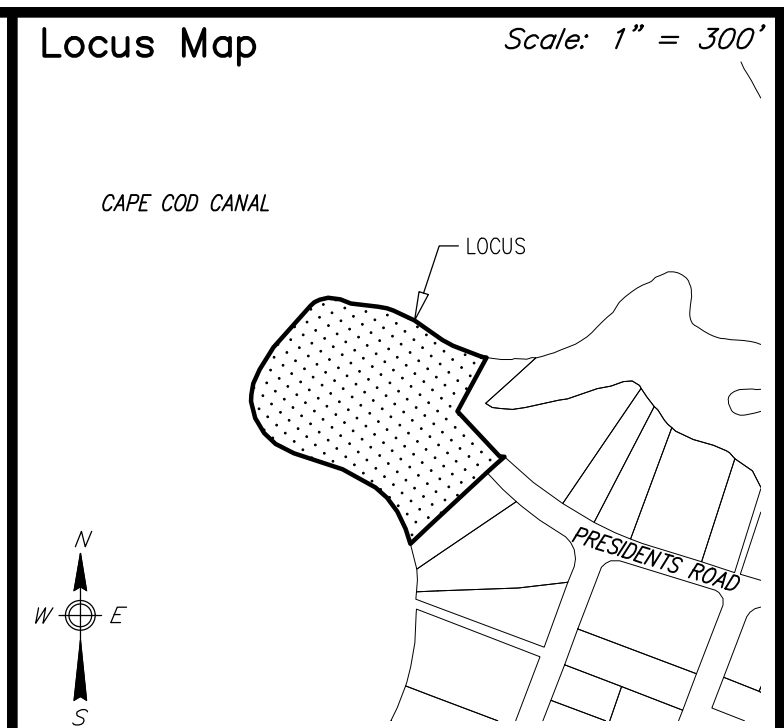
Alan M. Grady



PROPOSED GRANITE WALL MAINTENANCE DETAIL (NOT TO SCALE)



SILT SOCK DETAIL (NOT TO SCALE)



- Notes**
- LOCUS: #217 PRESIDENTS ROAD MAP 26.1 PARCEL 165
 - OWNER: JOHN J. MITCHELL, III and COLLEEN K. MITCHELL 8 LITTLEBOOT LANE WESTWOOD, MA 02090
 - DEED REF: Deed Bk: 30170 Pg: 100
 - PLAN REF: Plan Bk: 667 Pg: 41 (LOT 165)
 - LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONES 'VE' el. 18 and 19 and 'AE' el. 15 AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25001C-00501-J dated 07/16/2014.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
 - CONTRACTOR TO ENSURE ALL DISTURBED AREAS ARE RETURNED TO PRE-CONSTRUCTION CONDITIONS.
 - GRANITE BLOCK BULKHEAD ORIGINALLY APPROVED UNDER LICENSE No. 1362 RECORDED IN PLAN BOOK 29 PAGE 17 AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS, ORIGINALLY ISSUED TO GROVER CLEVELAND.
 - THE INTENT OF THIS PLAN IS TO MAINTAIN AN EXISTING GRANITE BULKHEAD AND IS NOT INTENDED TO BE USED AS A COMPLETE BOUNDARY SURVEY.



Prepared By:

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 www.brackeneng.com

PROPOSED CONSERVATION SITE PLAN IN BOURNE, MA

Prepared For:

JOHN J. MITCHELL, III and COLLEEN K. MITCHELL

#217 PRESIDENTS ROAD MAP 26.1 PARCEL 165

No.	Date	Revision	Description	By

Date: FEBRUARY 1, 2022 Drawn: JPH/BEI Checked: ZLB/AMG Sheet: 1 of 1