



www.souratigroup.com

Martha's Vineyard Office  
107 Beach Rd., Suite 202  
P.O. Box 4458, Vineyard Haven, MA 02568  
Phone: 508-693-9933, Fax: 508-693-4933

Nantucket Office:  
35 Old South Road, Nantucket, MA 02554  
Phone: 508-228-7888, Fax: 508-228-5511

December 21, 2017

Aquinnah Conservation Commission  
P.O. Box 128  
Aquinnah, MA 02535

RE: **U.S. Specialty Insurance Company**  
**c/o Tokio Marine HCC-Surety Group**  
**Map 3, Parcel 1.1 and the Lobsterville Road Layout**  
**Aquinnah, MA 02535**  
**Resource Area Restorations**

Dear Commission Members:

Please find enclosed an original and a copy of a Notice of Intent and its supporting documents for proposed work at the above referenced property. A filing fee check (#6549) is enclosed in the amount of \$237.50 for the project.

Supporting documents enclosed:

- USGS Locus map
- Copy of WPA Appendix A Wetland Fee Transmittal Form
- Notice to Abutters, Abutters List, and Affidavit of Service
- MESA-NHESP Project Review Checklist
- N.H.E.S.P. 2017 Habitats map for the project areas
- A copy of the Property Deed Book 600, Page 750
- Representative Photos (3)
- Grain Size Analysis
- Assessor's Maps 3 and 4
- Plans according to the enclosed Plan List.

Please call me if you have any questions.

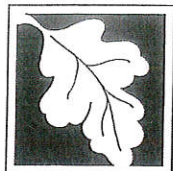
Sincerely,

A handwritten signature in blue ink that reads "George Sourati". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

George A. Sourati, P.E.

Cc: DEP-SERO  
N.H.E.S.P.  
Town of Chilmark ✓  
Town of Aquinnah  
Wampanoag Tribe of Gay Head (Aquinnah)

SEG 101911



**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  
AND THE AQUINNAH WETLANDS/WATER RESOURCE PROTECTION BYLAW

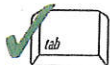
MassDEP File Number

Document Transaction Number

AQUINNAH

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):

SEE ATTACHED GENERAL INFORMATION

a. Street Address

AQUINNAH

b. City/Town

02535

c. Zip Code

Latitude and Longitude:

SEE ATTACHED

d. Latitude

SEE ATTACHED

e. Longitude

3

f. Assessors Map/Plat Number

1.1 and the Lobsterville Road Layout

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

U.S. SPECIALTY INSURANCE COMPANY, C/O TOKIO MARINE HCC-SURETY GROUP

c. Organization

801 S. FIGUEROA STREET, SUITE 700

d. Street Address

LOS ANGELES

CA

f. State

90017

g. Zip Code

e. City/Town

h. Phone Number

i. Fax Number

j. Email Address

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

SEE ATTACHED OWNER'S LIST

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):

GEORGE A.

SOURATI, P.E.

a. First Name

b. Last Name

SOURATI ENGINEERING GROUP, LLC

c. Company

P.O. BOX 4458 107 BEACH ROAD, SUITE 202

d. Street Address

TISBURY

MA

f. State

02568

g. Zip Code

e. City/Town

508-693-9933

508-693-4933

gsourati@souratigroup.com

h. Phone Number

i. Fax Number

j. Email address

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

\$450.00

a. Total Fee Paid

\$212.50

b. State Fee Paid

\$237.50

c. City/Town Fee Paid



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**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

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AQUINNAH

City/Town

**A. General Information (continued)**

6. General Project Description:

SEE PROJECT DESCRIPTION ATTACHED

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:

COUNTY OF DUKES COUNTY

a. County

600

c. Book

b. Certificate # (if registered land)

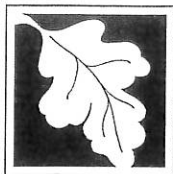
750

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.



**Massachusetts Department of Environmental Protection**  
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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 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 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.





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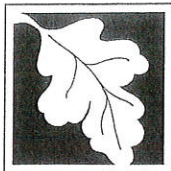
City/Town

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	191(site 2)+ 800(site 3)=991 1. square feet	N/A 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	16± (Site 1) 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	430± (Site 1) 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings



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**C. Other Applicable Standards and Requirements**

- ☐ 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](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

1 AUG 2017

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).*

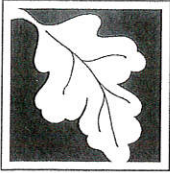
- c. Submit Supplemental Information for Endangered Species Review\*

1. ☒ Percentage/acreage of property to be altered:
 

(a) within wetland Resource Area	<0.002
	percentage/acreage
(b) outside Resource Area	0
	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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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 [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm)).  
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, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm); 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:

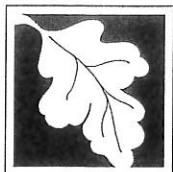
Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

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.





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City/Town

**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**

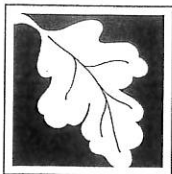
- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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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City/Town

**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.

SEE ATTACHED PLAN LIST

a. Plan Title

b. Prepared By

c. Signed and Stamped by

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:

6549

2. Municipal Check Number

21 DEC 2017

3. Check date

6548

4. State Check Number

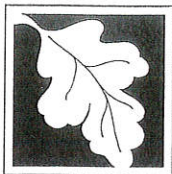
21 DEC 2017

5. Check date

SOURATI ENGINEERING GROUP, LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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### F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

*George Samati*

*12/21/2017*

#### 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.

DEP FILE NUMBER:

\_\_\_\_\_  
PROVIDED BY DEP

AQUINNAH  
TOWN

## A. GENERAL INFORMATION

1. Project Location:
  - a1. West Basin Road
  - a2. Lobsterville Road Layout

### Latitude and Longitude:

Site 1: 41° 21' 06.73 N and 70° 46' 02.51 W  
Site 2: 41° 21' 10.64 N and 70° 46' 05.64 W  
Site 3: 41° 20' 53.40 N and 70° 47' 10.33 W

3. Property Owner's (required if different from applicant)

#### Map 3 Parcel 1.1

United States of America, Bureau of Indian Affairs, Trustee  
Wampanoag Tribe of Gay Head (Aquinnah)  
20 Black Brook Road, Aquinnah, MA 02535

#### Lobsterville Road Layout

Town of Aquinnah  
P.O. Box 128, Aquinnah, MA 02535

DEP FILE NUMBER:

\_\_\_\_\_  
PROVIDED BY DEP

AQUINNAH  
TOWN

**A. General Information**

6. General Project Description:

The project consists of restoring three sites in Coastal Resource Areas in Aquinnah off West Basin Road and in Lobsterville Road. The three sites and a description of the work in each site are as follows:

Site 1 Coastal Bank at West Basin just east of the boat ramp and pier:  
Rebuilding a portion of the Coastal Bank damaged during prior  
construction and planting disturbed areas.

Site 2 West of the West Basin pedestrian path to the beach:  
Planting damaged area.

Site 3 Lobsterville Road area adjacent to the roadway:  
Plant unvegetated area.



**DEP File Number:**

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Provided by DEP

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**AQUINNAH**

Town

#### **D. Additional Information**

3. Identify the method for BVW and other resource area boundary delineations and attach documentation of the methodology.

The resource area boundaries and the top of the Coastal Bank were determined in accordance with DEP Wetland Program Policy 92-1.

DEP FILE NUMBER:

PROVIDED BY DEP

AQUINNAH  
TOWN

#### **E. Additional Information**

4. List the titles and dates for all plans and other materials submitted with this NOI.
  - Site Plan – Site 1 in Aquinnah, Massachusetts, Assessor Parcel 3-1.1, prepared for U.S. Specialty Insurance Company, dated December 20, 2017 by Sourati Engineering Group, LLC containing two sheets (sheets 1 & 2).
  - Site Plan – Site 2 in Aquinnah, Massachusetts, Assessor Parcel 3-1.1, prepared for U.S. Specialty Insurance Company, Scale: 1" = 20', dated December 20, 2017 by Sourati Engineering Group, LLC, one sheet.
  - Site Plan - Site 3 in Aquinnah, Massachusetts, at Lobsterville Road, prepared for U.S. Specialty Insurance Company, Scale: 1" = 20', dated December 20, 2017 by Sourati Engineering Group, LLC, one sheet.
  - Site Locus Plan in Aquinnah, Massachusetts, prepared for U.S. Specialty Insurance Company, Scale: 1" = 500', dated December 21, 2017, a CAI Technologies aerial photo of the project sites.

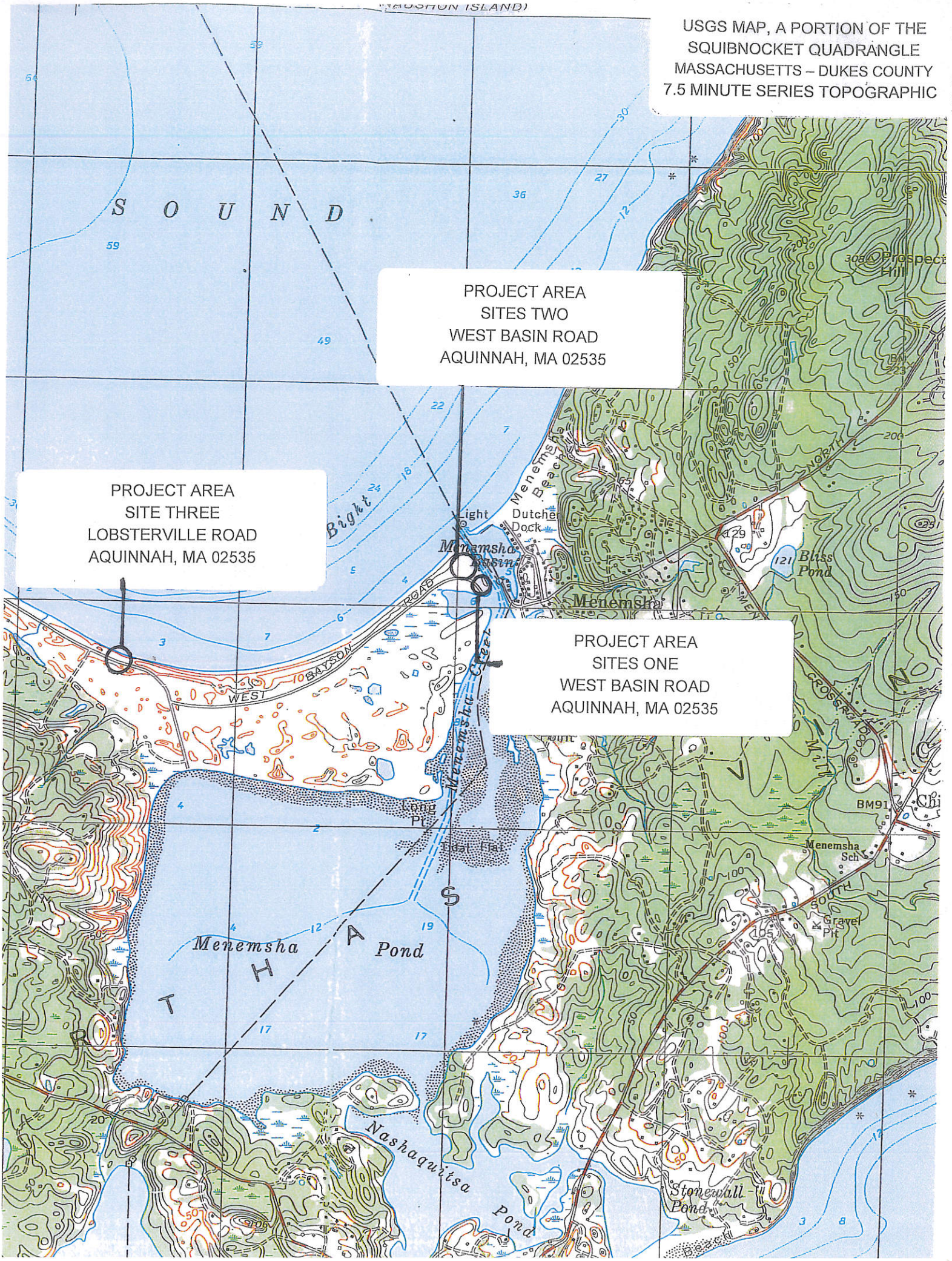


USGS MAP, A PORTION OF THE  
SQUIBNOCKET QUADRANGLE  
MASSACHUSETTS – DUKES COUNTY  
7.5 MINUTE SERIES TOPOGRAPHIC

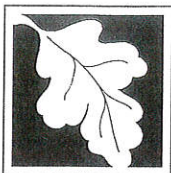
PROJECT AREA  
SITES TWO  
WEST BASIN ROAD  
AQUINNAH, MA 02535

PROJECT AREA  
SITE THREE  
LOBSTERVILLE ROAD  
AQUINNAH, MA 02535

PROJECT AREA  
SITES ONE  
WEST BASIN ROAD  
AQUINNAH, MA 02535







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:

WEST BASIN RD. AND LOBSTERVILLE RD.

a. Street Address

6548

c. Check number

AQUINNAH

b. City/Town

\$212.50

d. Fee amount

### 2. Applicant Mailing Address:

a. First Name

b. Last Name

U.S. SPECIALTY INSURANCE COMPANY c/o TOKIO MARINE HCC - SURETY GROUP

c. Organization

801 S. FIGUEROA STREET, SUITE 700

d. Mailing Address

LOS ANGELES

CA

90017

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

### 3. Property Owner (if different):

SEE ATTACHED OWNER'S LIST

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).





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 (d)	THREE	\$150.00	\$450.00

**Step 5/Total Project Fee:** \$450.00

**Step 6/Fee Payments:**

Total Project Fee:	\$450.00
	a. Total Fee from Step 5
State share of filing Fee:	\$212.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	\$237.50
	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.)

**SOURATI ENGINEERING GROUP LLC**

107 BEACH RD., STE. 202 P.O. BOX 4458  
VINEYARD HAVEN, MASSACHUSETTS 02568  
(508) 693-9933



Santander Bank, N.A.  
60-7269/2313

6549

21 Dec 2017

PAY TO THE  
ORDER OF

Town of Aquinnah

\$ 237.50

Two hundred thirty seven dollars + fifty cents

DOLLARS

MEMO

101911

NOI

US Specimen

submittal fee

⑈006549⑈

~~⑈23137287⑈~~



George Lousti

AUTHORIZED SIGNATURE

**SOURATI ENGINEERING GROUP LLC**

107 BEACH RD., STE. 202 P.O. BOX 4458  
VINEYARD HAVEN, MASSACHUSETTS 02568  
(508) 693-9933



Santander Bank, N.A.  
60-7269/2313

6548

21 Dec 2017

PAY TO THE  
ORDER OF

Comm. of MA

\$ 212.50

Two hundred twelve dollars and fifty cents

DOLLARS

MEMO

101911

NOI STATE

US Specimen

SUBM. FEE

⑈006548⑈

~~⑈23137287⑈~~



George Lousti

AUTHORIZED SIGNATURE

**SOURATI ENGINEERING GROUP LLC**

107 BEACH RD., STE. 202 P.O. BOX 4458  
VINEYARD HAVEN, MASSACHUSETTS 02568  
(508) 693-9933



Santander Bank, N.A.  
60-7269/2313

6547

21 Dec 2017

PAY TO THE  
ORDER OF

Comm. of MA - N.H.E.S.P.

\$ 300.00

Three hundred dollars

DOLLARS

MEMO

101911

NHESP

US Specimen

FEE

⑈006547⑈

~~⑈23137287⑈~~



George Lousti

AUTHORIZED SIGNATURE



www.souratigroup.com

Martha's Vineyard Office  
107 Beach Rd., Suite 202  
P.O. Box 4458, Vineyard Haven, MA 02568  
Phone: 508-693-9933, Fax: 508-693-4933

Nantucket Office:  
35 Old South Road, Nantucket, MA 02554  
Phone: 508-228-7888, Fax: 508-228-5511

15 December 2017

**Notification to Abutters Under the  
Massachusetts Wetland Protection Act  
And the Town of Aquinnah Wetlands Bylaw**

Name of Applicant Is: **U.S. Specialty Insurance Group**

Dear Abutter,

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131, Sec. 40, you are hereby notified of the following:

The applicant has filed a Notice of Intent with the Aquinnah Conservation Commission seeking permission to perform the following work:

**The project consists of restoring three sites in Coastal Resource Areas in Aquinnah off West Basin Road and in the Lobsterville Road layout. The three sites and a description of the work in each site are as follows:**

**Site 1 Coastal Bank at West Basin just east of the boat ramp and pier:  
Rebuilding a portion of the Coastal Bank damaged during prior  
construction and planting disturbed areas.**

**Site 2 West of the West Basin pedestrian path to the beach:  
Planting damaged area.**

**Site 3 Lobsterville Road area adjacent to the roadway:  
Plant unvegetated area.**

The work is subject to protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Aquinnah Wetlands Bylaws.

The address of the lot where the activity is proposed is:

**West Basin Road Assessor Map 3, Parcel 1.1 and the Lobsterville Road Layout,  
Aquinnah, Massachusetts.**

Notice of the public meeting/hearing, including the date, time and place will be published at least five days in advance in the Vineyard Gazette or Martha's Vineyard Times, and will be posted in the Aquinnah Town Hall no less than forty-eight (48) hours in advance.

Copies of the application can be examined and information about the date, time and place of the meeting/hearing can be obtained from either the Aquinnah Conservation Commission office, Aquinnah Town Hall, Monday – Friday, 8:30 a.m. to 4:00 p.m. (508-645-3034) or from Sourati Engineering Group, LLC, 107 Beach Road, Suite 202, Vineyard Haven, MA 02568, (508-693-9933).

You may also contact the Department of Environmental Protection for more information about this application or the Wetland Protection Act: 508-946-2800.

Sincerely,



George A. Sourati, P.E.

SEG 101911





## 300 foot Abutters List Report

Aquinnah, MA  
December 12, 2017

### Subject Property:

Parcel Number: 3-1.1  
CAMA Number: 3-1.1  
Property Address: WEST BASIN ROAD

Mailing Address: USA BIA TRUSTEE WAMPANOAG TRIBE  
OF GAY HEAD (AQUINNAH)  
20 BLACK BROOK RD  
AQUINNAH, MA 02535

---

### Abutters:

Parcel Number: 3-2  
CAMA Number: 3-2  
Property Address: WEST BASIN ROAD

Mailing Address: M V LAND BANK COMMISSION  
PO BOX 2057  
EDGARTOWN, MA 02539

Parcel Number: 3-3  
CAMA Number: 3-3  
Property Address: WEST BASIN ROAD

Mailing Address: USA BIA TRUSTEE EASTERN  
REGIONAL OFFICE  
FRANKLIN KEEL, REGIONAL DIR 545  
MARRIOTT DR STE 700  
NASHVILLE, TN 37214

Parcel Number: 3-31  
CAMA Number: 3-31  
Property Address: WEST BASIN ROAD

Mailing Address: OWNER UNKNOWN SSO: M V LAND  
BANK COMMISSION  
PO BOX 2057  
EDGARTOWN, MA 02539

Parcel Number: 3-32  
CAMA Number: 3-32  
Property Address: WEST BASIN ROAD

Mailing Address: PECKHAM DEBORAH M ETAL MAYHEW  
J E & PENICAUD D TRS ETAL  
C/O DOMINIQUE PENICAUD 205 STATE  
RD  
CHILMARK, MA 02535

Parcel Number: 3-33  
CAMA Number: 3-33  
Property Address: WEST BASIN ROAD

Mailing Address: AQUINNAH TOWN OF  
955 STATE RD  
AQUINNAH, MA 02535

Parcel Number: 3-4  
CAMA Number: 3-4  
Property Address: WEST BASIN ROAD

Mailing Address: M V LAND BANK COMMISSION  
PO BOX 2057  
EDGARTONW, MA 02535

Parcel Number: 3-5  
CAMA Number: 3-5  
Property Address: WEST BASIN ROAD

Mailing Address: AQUINNAH TOWN OF  
955 STATE RD  
AQUINNAH, MA 02535

Parcel Number: 4-108  
CAMA Number: 4-108  
Property Address: 17 LOBSTERVILLE RD

Mailing Address: OLSEN PETER C HAMILTON-OLSEN  
APRIL A  
4 SHERWOOD LANE  
BEDFORD HILLS, NY 10507

Parcel Number: 4-46  
CAMA Number: 4-46  
Property Address: 3 DRIFTWOOD LANE

Mailing Address: FITZGERALD CHARLES CERICK  
KATHRYN  
12 SAINT MARKS PL UNIT 5R  
NEW YORK, NY 10003



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/12/2017

Page 1 of 3



## 300 foot Abutters List Report

Aquinnah, MA  
December 12, 2017

Parcel Number: 4-47  
CAMA Number: 4-47  
Property Address: 1 DRIFTWOOD LANE

Mailing Address: HASKELL MAC DONALD T  
24636 HARBOURVIEW DR.  
PONTE VEDRA, FL 32082

Parcel Number: 4-49  
CAMA Number: 4-49  
Property Address: 670 LIGHTHOUSE ROAD

Mailing Address: BATZER CHERYL A TRUSTEE BATZER  
MAX W & CHERYL A GP  
755 WEST END AVE APT 15B  
NEW YORK, NY 10025

Parcel Number: 4-50  
CAMA Number: 4-49  
Property Address: 670 LIGHTHOUSE ROAD

Mailing Address: BATZER CHERYL A TRUSTEE BATZER  
MAX W & CHERYL A GP  
755 WEST END AVE APT 15B  
NEW YORK, NY 10025

Parcel Number: 4-51  
CAMA Number: 4-51  
Property Address: LOBSTERVILLE ROAD

Mailing Address: M V LAND BANK COMMISSION  
P.O. BOX 2057  
EDGARTOWN, MA 02539

Parcel Number: 4-52  
CAMA Number: 4-52  
Property Address: 15 LOBSTERVILLE RD

Mailing Address: DIMASSA ANNETTE TR GUARINO  
VINCENT J TR  
636 CEDAR GROVE  
ORANGE, CT 06477

Parcel Number: 4-53  
CAMA Number: 4-53  
Property Address: 21 LOBSTERVILLE RD

Mailing Address: MALONSON F RYAN WASHINGTON  
BETTINA  
5A MAYSIES WAY  
AQUINNAH, MA 02535

Parcel Number: 4-59  
CAMA Number: 4-59  
Property Address: LOBSTERVILLE RD

Mailing Address: BADGER EDWINA MARSHALL PATRICIA  
PO BOX 2947  
OAK BLUFFS, MA 02557

Parcel Number: 4-60  
CAMA Number: 4-60  
Property Address: LOBSTERVILLE RD

Mailing Address: PICKMAN JAMES PICKMAN ELIZABETH  
R  
118-21 QUEENS BLVD #316  
FOREST HILLS, NY 11375

Parcel Number: 4-61  
CAMA Number: 4-61  
Property Address: 23 LOBSTERVILLE RD

Mailing Address: FOWLER JUDITH MIDDLETON C TRS  
MIDDLETON C TR CLEMENTS P O  
1A VETERANS MEMORIAL DR  
PEABODY, MA 01960

Parcel Number: 4-62.1  
CAMA Number: 4-62.1  
Property Address: 1 CLAY PIT PLACE

Mailing Address: PICKMAN JAMES PICKMAN ELIZABETH  
R  
118-21 QUEENS BLVD #316  
FOREST HILLS, NY 11375

Parcel Number: 4-63  
CAMA Number: 4-63  
Property Address: LOBSTERVILLE RD

Mailing Address: USA BIA TRUSTEE WAMPANOAG TRIBE  
GAY HEAD (AQUINNAH)  
20 BLACK BROOK RD  
AQUINNAH, MA 02535

Parcel Number: 4-77  
CAMA Number: 4-76+77  
Property Address: EAST PASTURE SHORE ROAD

Mailing Address: KAUFMAN MARINA M TR ETAL  
BERSTEIN & LAKE TR ETAL  
190 GRIZZLY OAKS LN  
LA SELVA BEACH, CA 95076



[www.cai-tech.com](http://www.cai-tech.com)

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12/12/2017

Page 2 of 3



## 300 foot Abutters List Report

Aquinnah, MA  
December 12, 2017

Parcel Number: 4-78  
CAMA Number: 4-76+77.  
Property Address: EAST PASTURE SHORE ROAD

Mailing Address: KAUFMAN MARINA M TR ETAL  
BERSTEIN & LAKE TR ETAL  
190 GRIZZLY OAKS LN  
LA SELVA BEACH, CA 95076

Parcel Number: 4-78  
CAMA Number: 4-78  
Property Address: EAST PASTURE SHORE ROAD

Mailing Address: KAUFMAN MARINA M TR ETAL  
BERSTEIN & LAKE TR ETAL  
190 GRIZZLY OAKS LN  
LA SELVA BEACH, CA 95076

The following property owners in the Town of Chilmark within 300 feet of the West Basin property edge have been notified of this filing.

### Chilmark Assessor's Map 27-1

Parcel 93	0 Boathouse Road	Town of Chilmark
Parcel 228	48 Boathouse Road	Town of Chilmark
Parcel 92	0 Boathouse Road	Town of Chilmark
Parcel 91	27 Boathouse Road	United States of America
Parcel 229	0 Boathouse Road	United States of America
Parcel 230	0 Boathouse Road	Town of Chilmark
Parcel 90	17 Boathouse Road	Town of Chilmark

### Chilmark Assessor's Map 21

Parcel 3	62 Basin Road	Town of Chilmark
----------	---------------	------------------



[www.cai-tech.com](http://www.cai-tech.com)

12/12/2017

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Page 3 of 3

### AFFIDAVIT OF SERVICE

Under the Massachusetts Wetland Protection Act  
And the Town of Aquinnah Wetlands/Water Resource Protection Bylaw

I, George A. Sourati, hereby certify under the pains and penalties of perjury that to the best of my knowledge that 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 9, 1994, in connection with the following matter:

A Notice of Intent filed under the Wetlands Protection Act and the Town of Aquinnah Wetlands/Water Resource Protection Bylaw by **U.S. Specialty Insurance Company** with the Aquinnah Conservation Commission for work at property located at **Map 3, Parcel 1.1, West Basin Road and the Lobsterville Road Layout**, Aquinnah, MA.

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



---

George A. Sourati, P.E.  
Sourati Engineering Group, LLC

12/21/2017

---

Date





MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581  
p: (508) 389-6300 | f: (508) 389-7890  
**MASS.GOV/MASSWILDLIFE**

Jack Buckley, Director

### MESA Project Review Checklist

*Massachusetts Endangered Species Act M.G.L. c.131A and Regulations (321 CMR 10.00)*

#### Contact Information

##### 1) Project Location:

WEST BASIN ROAD & LOBSTERVILLE RD.	AQUINNAH	02535
Street Address/Location	City/Town	Zip Code
3	1.1	
Assessors Map/Plat Number	Parcel /Lot Number	

##### 2) Applicant:

U.S. SPECIALTY INSURANCE COMPANY	C/O TOKIO MARINE HCC-SURETY GROUP	
First Name	Last Name	Company
801 S. FIGUEROA STREET, SUITE 700		
Mailing Address		
LOS ANGELES	CA	90017
City/Town	State	Zip Code
Phone Number	Fax Number	Email address

##### 3) Property owner (if different from applicant):

SEE ATTACHED GENERAL INFORMATION		
First Name	Last Name	Company
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number	Email address

##### 4) Representative (if any):

SOURATI ENGINEERING GROUP, LLC		
Company		
GEORGE A.	SOURATI, P.E.	
Contact Person First Name	Contact Person Last Name	
P.O. BOX 4458 107 BEACH ROAD SUITE #202		
Mailing Address		
TISBURY	MA	02568
City/Town	State	Zip Code
508-693-9933	508-693-4933	gsourati@souratigroup.com
Phone Number	Fax Number	Email address

MASSWILDLIFE

### Additional Information

1. Will this project require a filing with the Conservation Commission and/or DEP? ☐ No ☒ Yes
2. Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal or MESA Information Request Form)? ☒ No ☐ Yes, if Yes -Tracking No. \_\_\_\_\_

### Project Description (attach separate sheet, as needed)

Please note, certain projects or activities are exempt from review, see 321 CMR 10.14. The MESA does not allow project segmentation. Your filing must reflect all anticipated work associated with the proposed project (CMR 321 10.16).

SEE ATTACHED PROJECT DESCRIPTION

---

---

---

---

### Include the Following Information:

ALL Applicants must submit:

- ☐ USGS map (1:24,000 or 1:25,000) with property boundary clearly outlined
- ☐ Project plans for entire site (including wetland Resource Areas, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work)
- ☐ Assessor's map or right-of-way plan of site
- ☐ Statement/proof that applicant is the Record Owner or that applicant is a person authorized in writing by the record owner to submit this filing
- ☐ Photographs representative of the site

Projects altering 10 or more acres, must also submit:

- ☐ A vegetation cover type map of the site
- ☐ Project plans showing Priority Habitat boundaries

The NHESP may request additional information, such as, but not limited to, species and habitat surveys, wetland reports, soil map and reports, and stormwater management reports (321 CMR 10.16). The NHESP will notify the applicant within 30 days if the materials submitted do not satisfy requirements for a filing and request submission of any missing materials (321 CMR 10.18(1)).

### Filing Fee, Payable to Comm. of MA - NHESP (see website for fee information)

a. Total MESA Fee Paid \$300.00 b. Acreage of Disturbance <0.001 c. Total Site Acreage 190.7

### Required Signatures

I hereby certify under the penalties of perjury that the foregoing MESA filing and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

Signature of Property Owner/Record Owner of Property

Date

George Sourate  
Signature of Applicant (if different from Owner)

Agent

12/21/2017  
Date

DEP FILE NUMBER:

\_\_\_\_\_  
PROVIDED BY DEP

AQUINNAH  
TOWN

#### A. General Information

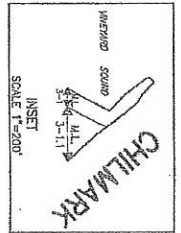
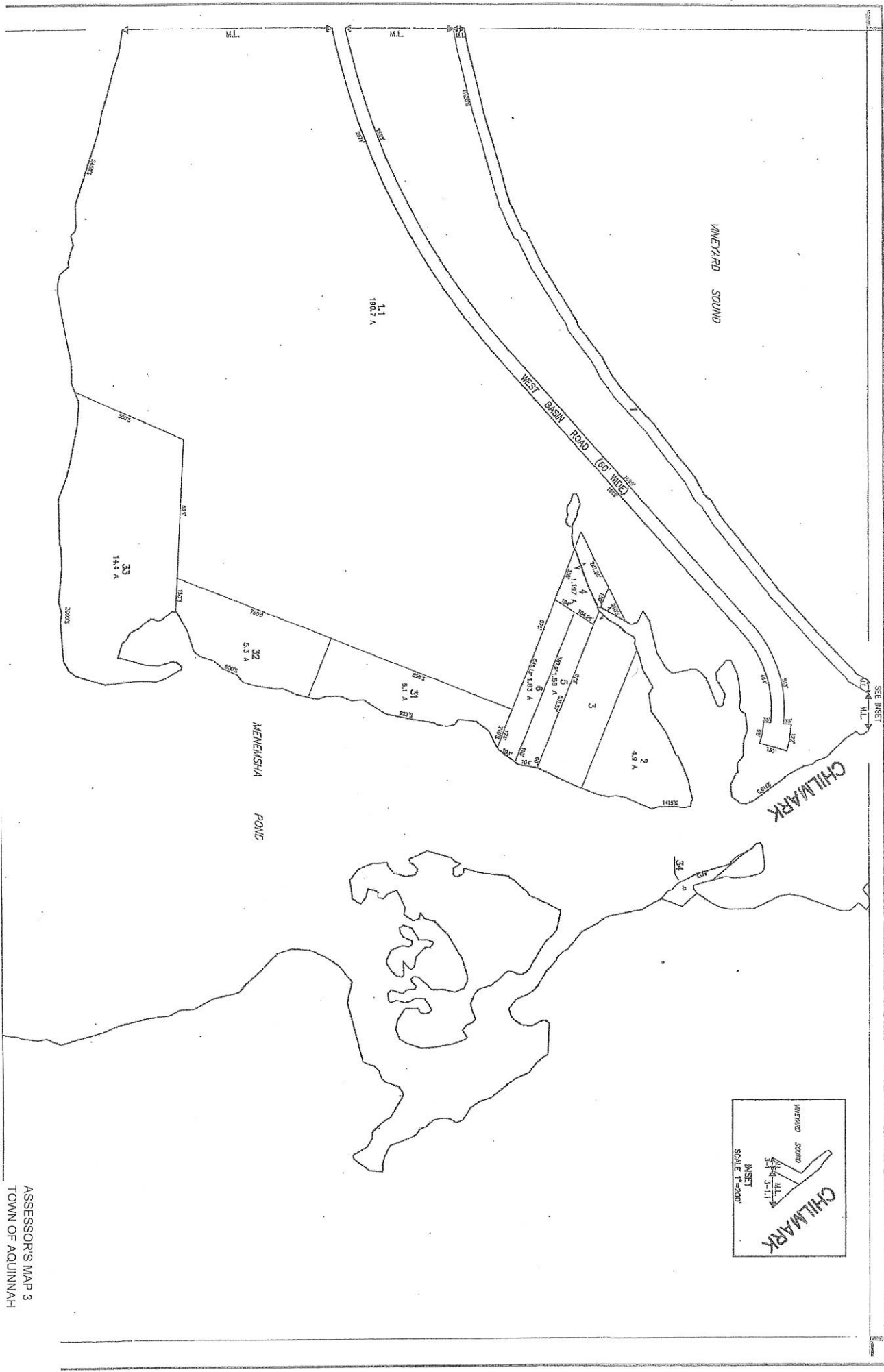
##### 6. General Project Description:

The project consists of restoring three sites in Coastal Resource Areas in Aquinnah off West Basin Road and in Lobsterville Road. The three sites and a description of the work in each site are as follows:

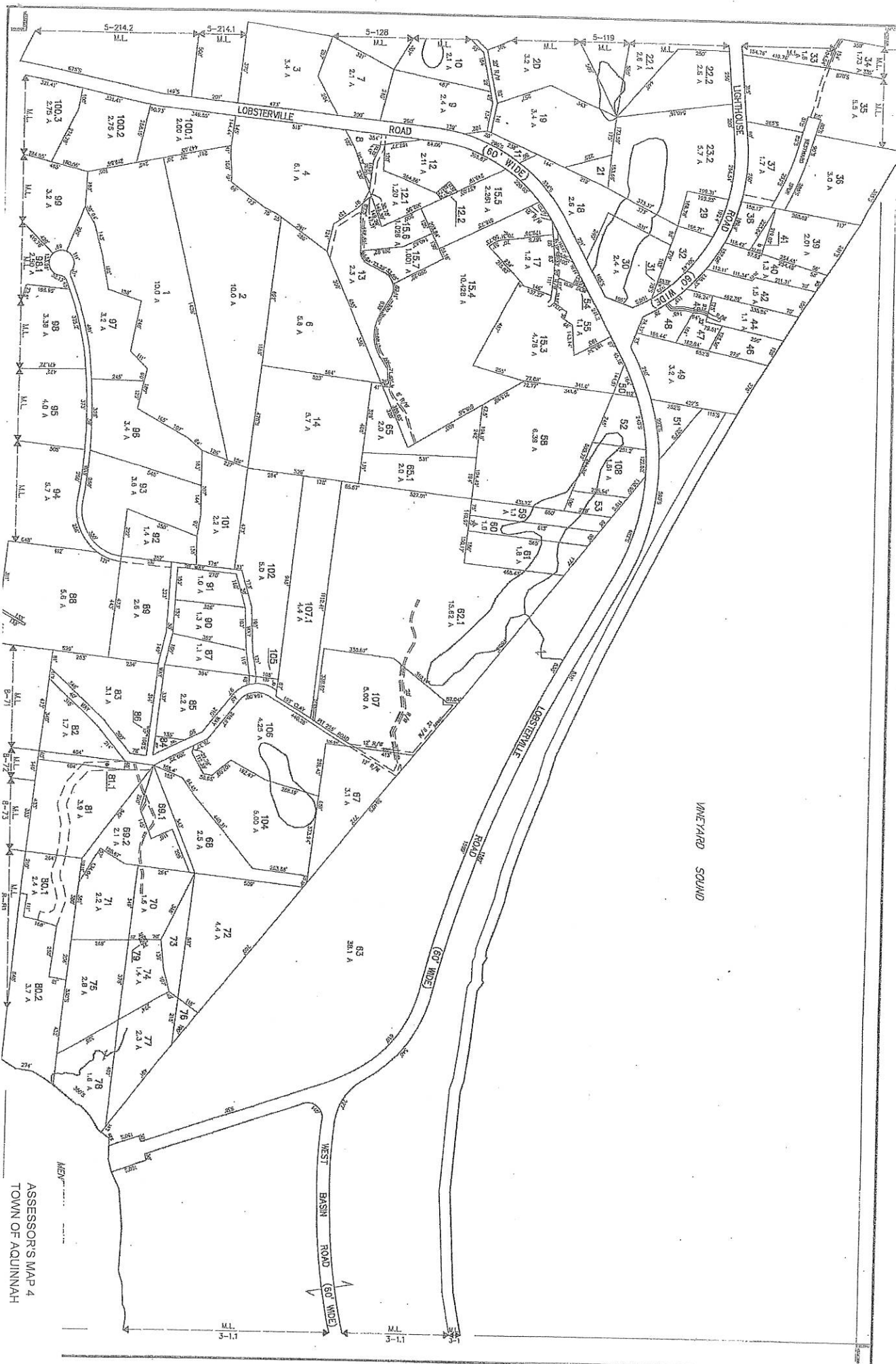
Site 1 Coastal Bank at West Basin just east of the boat ramp and pier:  
Rebuilding a portion of the Coastal Bank damaged during prior construction and planting disturbed areas.

Site 2 West of the West Basin pedestrian path to the beach:  
Planting damaged area.

Site 3 Lobsterville Road area adjacent to the roadway:  
Plant unvegetated area.







ASSESSOR'S MAP 4  
TOWN OF AQUINNAH







*order of conditions**733/359**Exhibit**764-901*

Page 1 of 6

*order of conditions**752/407*DEED**E3000750**

THE TOWN OF GAY HEAD, Massachusetts, a municipal corporation, pursuant to the votes of Special Town Meetings held on December 9, 1976 and November 19, 1983 and the annual Town Meeting held on May 14, 1985, copies of which are attached hereto as Exhibit "A", in consideration of the settlement of an action pending before the United States District Court for the District of Massachusetts known as Wampanoag Tribal Council of Gay Head, Inc., et al., v. Town of Gay Head, et al., Civil Action No. 74-5826-G and pursuant to the provisions of two certain acts entitled "Wampanoag Tribal Council of Gay Head, Inc., Indian Land Claims Settlement Act 71987, Public Law 100-95", and "An Act to Implement the Settlement of Gay Head Indian Land Claims", which act was enacted by the General Court of the Commonwealth of Massachusetts as Chapter 277 of the Acts of 1985, grants to THE UNITED STATES OF AMERICA, in trust for the Wampanoag Tribe of Gay Head (Aquinnah), formerly known as The Wampanoag Tribal Council of Gay Head, Inc., a federally recognized Indian Tribe, with a mailing address of State Road, Gay Head, Massachusetts, all its right, title and interest in and to the land with any buildings and appurtenances thereon in Gay Head, County of Dukes County, Massachusetts more particularly described as follows:

PARCEL ONE: The Cranberry Lands

These land consist of the parcels shown on the Assessors Maps of the Town of Gay Head, as those maps configured on the date of this deed (the "Assessors Maps") as follows: Map 3, Parcel 1 and Map 4, Parcel 63. Copies of the said Maps 3 and 4 are attached hereto as Exhibits "B" and "C".

PARCEL TWO: The Face of the Cliffs

"The clay in the cliffs" as set forth in a set-off of the same dated December 21, 1878 in Dukes County Probate Court Proceedings Case No. D1-235, EXCEPTING AND EXCLUDING all property shown as Lot A on a "Plan of Land in Gay Head, Mass. Surveyed for Trustees of Aquinnah Realty Trust, June 8, 1989, scale 1 in. = 30 ft., Vineyard Haven Surveying, Box 1548, Beach Road, Vineyard Haven, MA 02568," and consisting of 504 Sq. Ft., which Plan is recorded in the Dukes County Registry of Deeds as Gay Head Case File No. 85.

DEEDS REG 08  
DUKES  
03/04/93  
*Cancelled*

EXPT 0.00  
CASH 0.00

9971A000 11:15  
EXCISE TAX



PARCEL THREE: The Cook Lands

E500PC751

This land consists of the property shown on the Assessors Map as Map 11, Parcels 45 and 46. Parcel 46 is also shown as Lot 395 on the Plan of Gay Head. A copy of the said Map 11 is attached hereto as Exhibit "E".

PARCEL FOUR: The Herring Creek

Those rights reserved in a set off dated December 21, 1878 in Dukes County Probate Proceeding Case No. D1-235, in the Herring Fishery, for the purpose of fishing and clearing the creeks, a strip of land one rod wide on each side of the creek, so long as the said reservation may be needed for that purpose. The approximate location of Herring Creek is shown on Gay Head Assessor's Map 11. Said Creek runs through Lots 381, 382, 383 and 384 on said Partition Plan, above mentioned, and said Creek also runs through The Cook Lands, which is Parcel Three, above mentioned.

Parcels One, Two and Four shall be sometimes referred to herein as the "Common Lands" as that term is used in Paragraph 4 of the Joint Memorandum of Understanding Concerning Settlement of the Gay Head, Massachusetts Indian Land Claims, a copy of which is attached hereto as Exhibit "F" (the "Memorandum"), and Parcels One, Two Three and Four shall be sometimes referred to herein as the "Public Settlement Lands" as that term is defined in the Wampanoag Tribal Council of Gay Head, Inc., Indian Land Claims Settlement Act of 1987, Public Law 100-95, a copy of which is attached hereto as Exhibit "G" (the "Federal Statute").

There is expressly excepted and excluded from this grant the shoreline of Parcel One ("The Cranberry Lands") and Parcel Four ("The Herring Creek") which lands abut the Vineyard Sound and Menemsha Pond and Menemsha Channel respectively. The shoreline being retained by the Town of Gay Head along Vineyard Sound shall consist of a strip extending from the mean low water mark to fifty feet inland from the mean high water mark. The shoreline along Menemsha Pond and Menemsha Channel shall consist of a strip extending from the mean low water mark to thirty feet inland from the mean high water mark.

There is further expressly excepted and excluded from this grant the shoreline of Parcel Two ("The Face of the Cliffs").

**00600Pg752**

Such shoreline along The Face of the Cliffs shall consist of a strip of land extending from the mean low water mark to the base of the Gay Head Cliffs.

The above described shoreline shall continue to be owned by the Town of Gay Head and shall be available to all Gay Head residents and property owners, their guests and assigns, for recreational and other uses now commonly made of such shoreline, and shall be subject to a conservation trust with the Town of Gay Head as Trustee that shall insure the continued right of such uses by such persons. Access to the shoreline across the Common Lands shall be preserved and the roads and paths established in accordance with the Land Use Plan referred to in Paragraph 16 of the Memorandum and attached hereto as Exhibit "H" for such access shall be maintained by the Town of Gay Head.

There shall be no shoreline exception applied to Parcel Three ("The Cook Lands"), however, the pond beach of The Cook Lands as have been conveyed this day is subject to an easement to the inhabitants of the Town of Gay Head for access and beach use as more completely described in the attached Joint Memorandum of Understanding, Exhibit "F".

A strip of land on Parcel One 70 feet wide beginning 30 feet inland from mean high water and 500 feet long, starting from the terminus of the West Basin Road and running in an easterly direction along an area of West Basin now used for mooring boats (see the description on Page 7, Paragraph 11 of the Memorandum of Understanding, Exhibit "F") including the bulkhead and pier is expressly excluded from this grant.

Grantor expressly reserves the access rights to the shoreline as set forth in the Memorandum (see Paragraphs 4 and 10) and in Land Use Plan; and further expressly reserves rights of way across Parcel One along the existing ways (one proceeding from Menemsha Sound, the other from the terminus of the

E600PG753

Lobsterville Road at Menemsha Pond) to the clay pits, one of which rights of way is known as the "Road to the Claypits," said rights of way to the clay pits to be used for all purposes for which roads and ways are now or may hereafter be used in the Town of Gay Head.

This grant is made subject to the provisions of the following:

1. The Memorandum;
2. The Federal Statute; and
3. An Act to Implement the Settlement of Gay Head Indian Land Claims enacted by the General Court of the Commonwealth of Massachusetts, a copy of which is attached hereto as Exhibit "J".

GND 7/2/13

Grantor, by the <sup>execution</sup> ~~exception~~ and delivery of this deed and Grantee by acceptance of this deed, and both parties by virtue of their existing agreements, hereby agree as follows:

1. Grantee shall cause a survey to be made of the granted premises within sixty (60) days of the date title is transferred by this deed. Grantor shall execute, deliver and record in the Dukes County Registry of Deeds a deed confirming the grant contained herein, but referring to the Public Settlement Lands as they are shown on said survey plan.

2. Neither Appendicies A and B, nor any map or plan was ever attached to the Memorandum despite a recitation to the contrary in the Memorandum.



W600PC754

3. No Appendix "C" was ever attached to the Land Use Plan attached hereto as Exhibit H".

WITNESS our hands and seals this 29th day of June, 1992.

BOARD OF SELECTMEN OF THE  
TOWN OF GAY HEAD

David E. Vanderhoop  
David E. Vanderhoop

Russell H. Smith  
Russell Smith

Walter E. Delaney  
Walter E. Delaney

COMMONWEALTH OF MASSACHUSETTS

DUKES COUNTY, SS.

June 29, 1992

Then personally appeared the above-named David E. Vanderhoop, Russell Smith and Walter E. Delaney and acknowledged the foregoing instrument to be their free act and deed, before me,

Marionne J. Jeffers  
Notary Public  
My Commission Expires:

June 11, 1993

Acceptance  
Public Settlement Lands

Pursuant to authority delegation cited in 209 DM 8, Secretary's Order No. 3150 and 10 BIAM Bulletin 12, dated June 29, 1992, and in letter of January 26, 1988 from the Assistant Secretary - Indian Affairs to the Director, Eastern Area Office. The undersigned hereby accepts the Lands conveyed by this document in Trust, on behalf of the United States of America, in compliance with Public Law 100-95, Wampanoag Tribal Council of Gay Head, Inc. Indian Claims Settlement Act of 1987.

3-2-93  
Date

B.W. Co.  
Area Director, Eastern Area Office

MARTHA'S VINEYARD LAND BANK FEE

☐ PAID: \$ \_\_\_\_\_

☒ EXEMPT: \$ 13023 3/4/93 CMKraun

NQ.

DATE

CERTIFICATION

E0000755

## COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

Town of Gay Head  
Office of the Town Clerk

I hereby certify that at the date of this attestation hereto annexed, David E. Vanderhoop, Russell Smith and Walter E. Delaney were duly qualified as Selectmen of the Town of Gay Head, respectively, and to their acts and manifestations as such, full faith and credit ought to be given in and out of Court and further that their signatures to the annexed instrument are genuine.

June 29, 1992

Jeananne Jeffers  
Jeananne Jeffers, Town Clerk

## ACKNOWLEDGEMENT

STATE: Virginia )  
COUNTY: Asheville )

On this 2<sup>nd</sup> day of March, 1993, before me Francie V. Schober the undersigned Notary Public, personally appeared Mr. B. D. Alt, known to me to be the Eastern Area Director, Eastern Area Office, Bureau of Indian Affairs, whose name is subscribed to the within instrument and who acknowledged to me that he/she executed and signed the same.

Francie V. Schober  
Notary Public

March 2, 1993  
Date

FRANCIE V. SCHOBBER  
My Commission Expires  
NOTARY PUBLIC  
Commonwealth of Virginia  
My Comm. Exps. 8/31/96





U.S. SPECIALTY INSURANCE CO.

**SITE ONE**

WEST BASIN COASTAL BANK  
REPRESENTATIVE PHOTO #1





U.S. SPECIALTY INSURANCE CO.  
**SITE TWO**  
WEST BASIN PEDESTRIAN PATH  
REPRESENTATIVE PHOTO #2





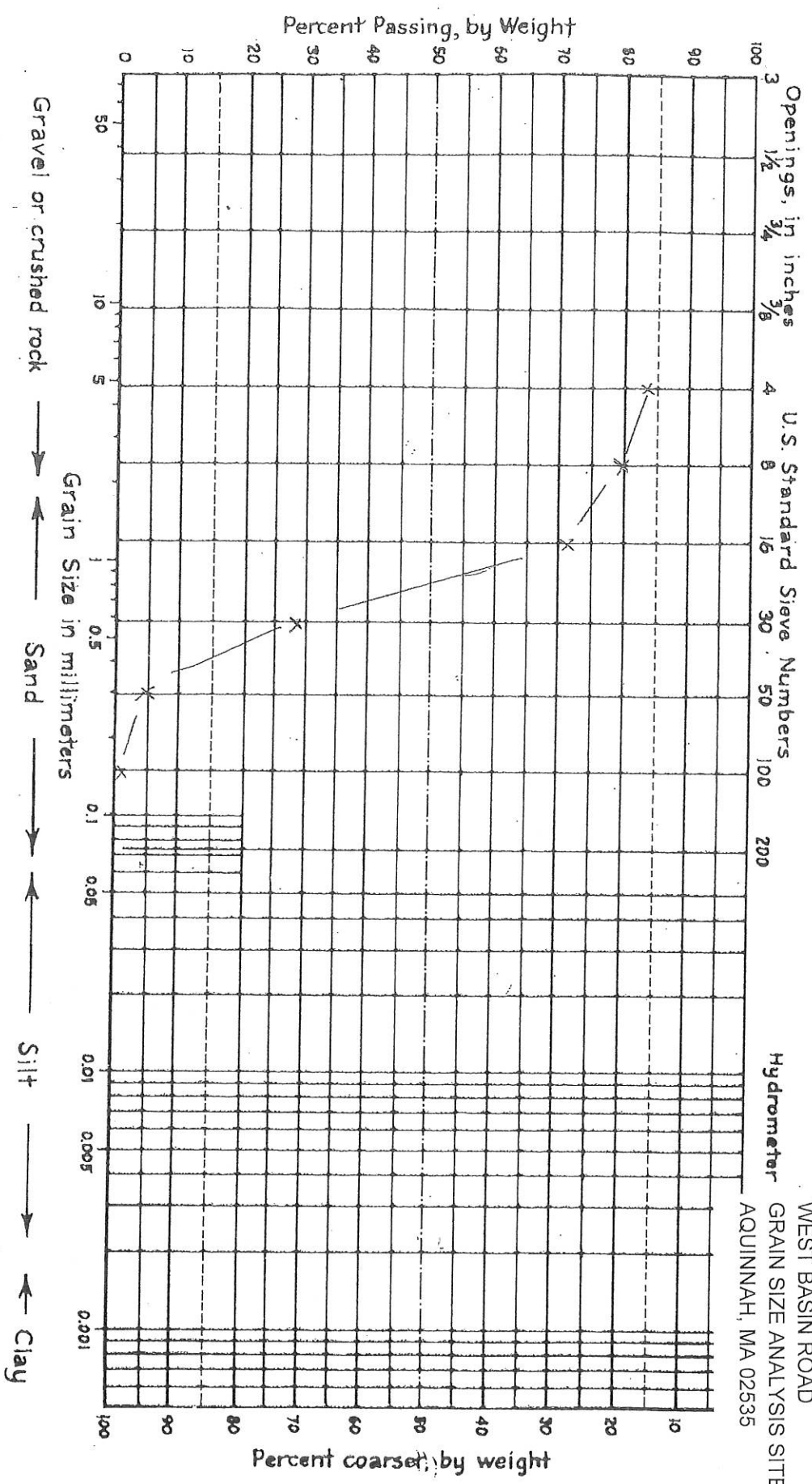
U.S. SPECIALTY INSURANCE CO.  
**SITE THREE**  
LOBSTERVILLE ROAD  
REPRESENTATIVE PHOTO #3



SAMPLE 1

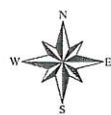
TESTER KATHRYN WHITE 11/6/15

U.S. SPECIALTY INSURANCE CO.  
WEST BASIN ROAD  
GRAIN SIZE ANALYSIS SITE ONE  
AQUINNAH, MA 02535



Gravel or crushed rock	Sand	Silt	Clay
3/4"	#4	#8	#16
#4	#8	#16	#30
#8	#16	#30	#50
#16	#30	#50	#100
#30	#50	#100	#200
#50	#100	#200	#400
#100	#200	#400	#600
#200	#400	#600	#800
#400	#600	#800	#1000
#600	#800	#1000	#1250
#800	#1000	#1250	#1500
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#1500	#1750	#2000	#2500
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#5500	#6000	#6500	#7000
#6000	#6500	#7000	#7500
#6500	#7000	#7500	#8000
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#8000	#8500	#9000	#9500
#8500	#9000	#9500	#10000
#9000	#9500	#10000	
#9500	#10000		
#10000			





December 21, 2017

# Site Locus Plan

Aquinnah, MA

1 inch = 500 Feet

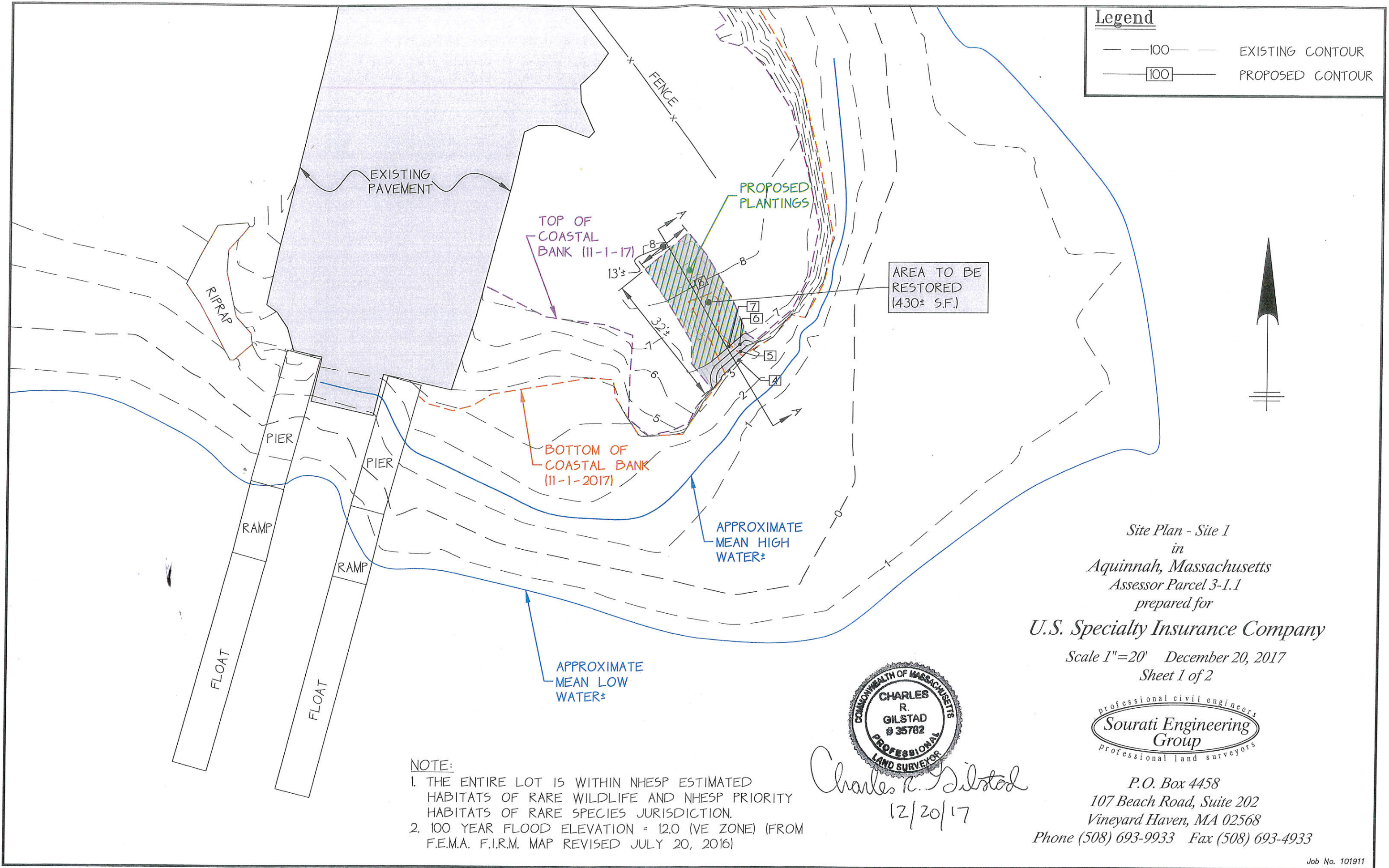


[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





Site Plan - Site 1  
in  
Aquinnah, Massachusetts  
Assessor Parcel 3-1.1  
prepared for  
**U.S. Specialty Insurance Company**  
Scale 1"=20' December 20, 2017  
Sheet 1 of 2



*Charles R. Gilstad*  
12/20/17



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933 Fax (508) 693-4933

- NOTE:**
1. THE ENTIRE LOT IS WITHIN NHESP ESTIMATED HABITATS OF RARE WILDLIFE AND NHESP PRIORITY HABITATS OF RARE SPECIES JURISDICTION.
  2. 100 YEAR FLOOD ELEVATION = 12.0 (VE ZONE) (FROM F.E.M.A. F.I.R.M. MAP REVISED JULY 20, 2016)



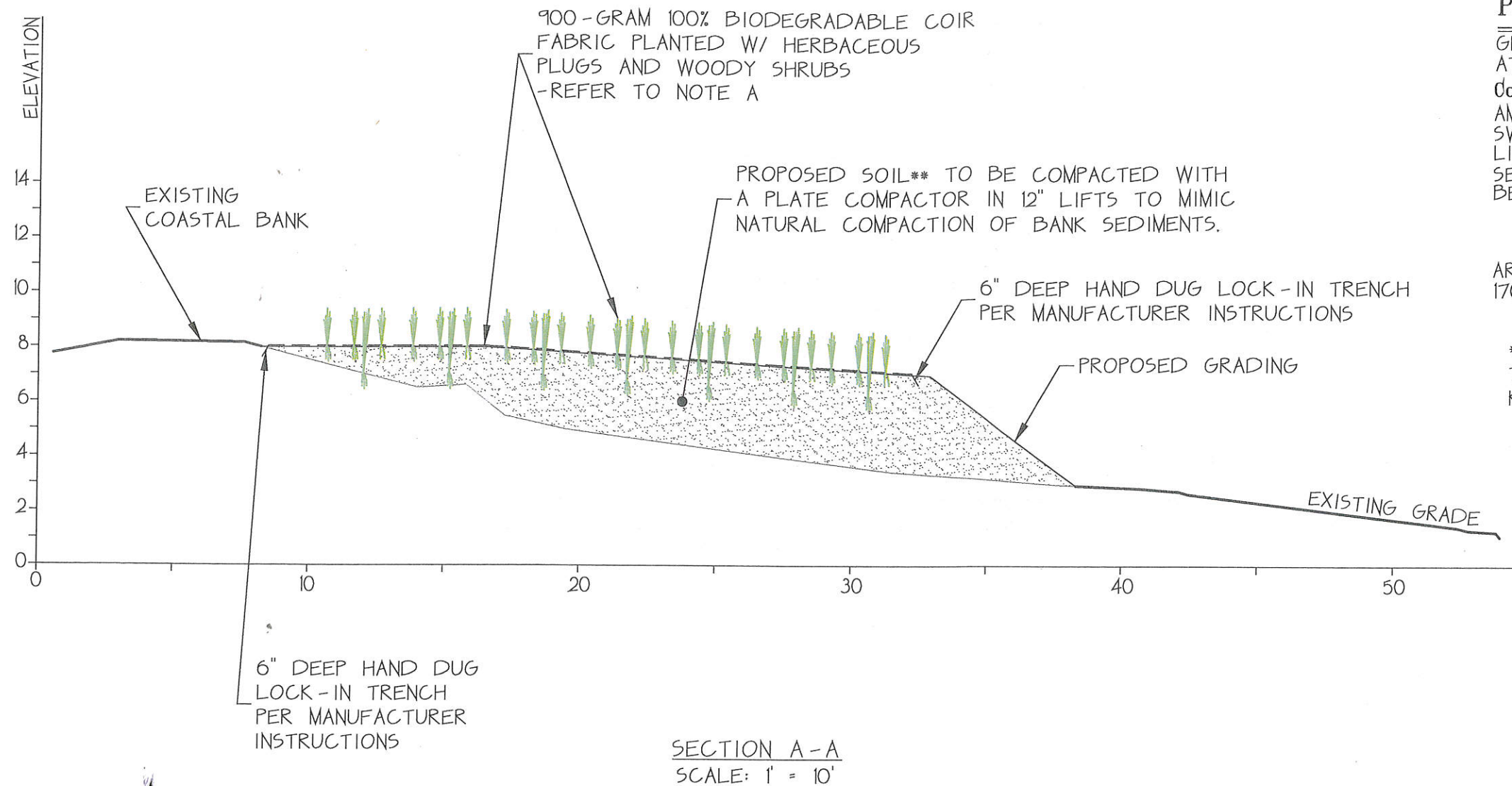
Note A:  
Planting Specifications

GRASSES AND FORBES - PLANTED AS 5" PLUGS AT 18" ON-CENTER SPACING

Common Name	Scientific Name
AMERICAN BEACHGRASS	AMMOPHILA BREVILIGULATA
SWITCHGRASS	PANICUM VIRGATUM
LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM
SEASIDE GOLDENROD	SOLIDAGO SEMPERVIRENS
BEACH ROSE	ROSA RUGOSA

AREA TO BE PLANTED: 366± SQ. FT.  
170 PLANTS NEEDED

\*\* SOIL GRAIN SIZE SHALL CONFORM TO THE ATTACHED GRAIN SIZE ANALYSIS BY KENT HEILEY, 11/6/2017.



NOTES:

1. INSTALL ONE DOUBLE NET STRAW/JUTE BIO-DEGRADABLE EROSION CONTROL UNDERNEATH ONE 900-GRAM WOVEN COIR BLANKET IN THE AREA OF DISTURBANCE. UNDER NO CIRCUMSTANCES WILL A BLANKET INCLUDING PHOTO-DEGRADABLE NETTING BE USED.
2. THE INSTALLATION OF THE EROSION CONTROL BLANKET SHALL BE PLACED WITHIN 48-HOURS AFTER FINISHED GRADING OF A N AREA IS COMPLETED.
3. INSTALL AND SECURE BLANKET AS PER MANUFACTURE'S RECOMMENDATION, INCLUDING 6"X6" LOCK-IN TRENCHES AT THE TOP AND BOTTOM OF SLOPE WITH A MINIMUM OF 6" OVERLAPS. 30" HARDWOOD STAKES WILL BE USED AT A DENSITY OF 36" ON-CENTER WITH 1/4" BIO-DEGRADABLE TWINE USED TO SECURE EROSION CONTROL CLOTH TO THE GROUND SURFACE.
4. THE LOCK-IN TRENCH SHALL BE BACKFILLED, SEEDED AND LIGHTLY MULCHED WITH STERILIZED, WEED-FREE CHOPPED STRAW OR COMPARABLE EQUIVALENT MULCH PRODUCT.
5. THE CONTRACTOR SHALL MAINTAIN THE VEGETATION FOR 12 MONTHS AFTER PLANTING IS COMPLETED. (15% MORTALITY RATE OF PLANT IS ALLOWED)
6. THE CONTRACTOR SHALL REMOVE PLANTS BEYOND 15% MORTALITY AT CONTRACTOR'S OWN COST.

Site Plan - Site 1  
in  
Aquinnah, Massachusetts  
Assessor Parcel 3-1.1  
prepared for

U.S. Specialty Insurance Company

Scale 1"=10' December 20, 2017  
Sheet 2 of 2



Charles R. Gilstad  
12/20/17



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933 Fax (508) 693-4933



# Legend

- APPROXIMATE PROPERTY LINE
- CENTER LINE OF DRIVEWAY

## NOTE:

1. THE ENTIRE LOT IS WITHIN NHESP ESTIMATED HABITATS OF RARE WILDLIFE AND NHESP PRIORITY HABITATS OF RARE SPECIES JURISDICTION.
2. THE CONTRACTOR SHALL MAINTAIN THE VEGETATION FOR 12 MONTHS AFTER PLANTING IS COMPLETED. (15% MORTALITY RATE OF PLANT IS ALLOWED)
3. THE CONTRACTOR SHALL REMOVE PLANTS BEYOND 15% MORTALITY AT CONTRACTOR'S OWN COST.

## Planting Specifications

BEACH ROSE - PLANTED AS 5" PLUGS AT 5' ON-CENTER

Common Name  
BEACH ROSE

Scientific Name  
ROSA RUGOSA

AREA TO BE PLANTED: 191± SQ. FT.  
25 PLANTS NEEDED

100 YEAR FLOOD  
ELEVATION = 15.0 (VE  
ZONE) (SCALED FROM  
F.E.M.A. F.I.R.M. MAP  
REVISED JULY 20, 2016)

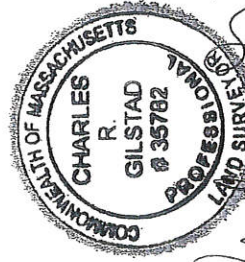
100 YEAR FLOOD  
ELEVATION = 12.0 (VE ZONE)  
(FROM F.E.M.A. F.I.R.M. MAP  
REVISED JULY 20, 2016)

PROPOSED PLANTINGS

EXISTING FOOT  
PATH (TYP.)

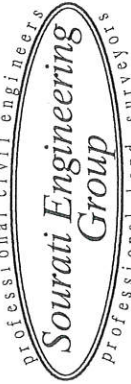
PAVED AREA

FENCE



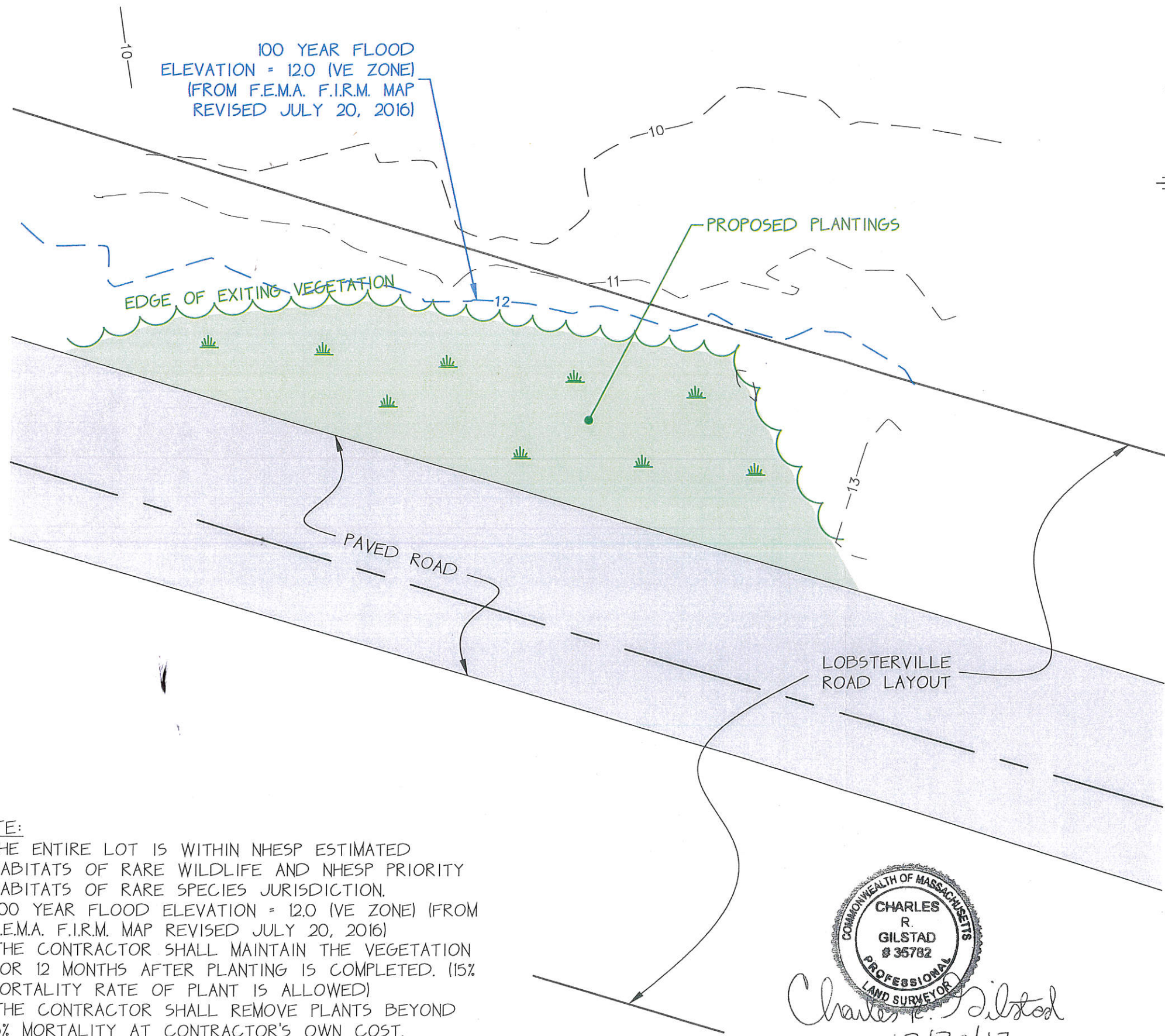
*Charles R. Gilstad*  
12/20/17

Site Plan - Site 2  
in  
Aquinnah, Massachusetts  
Assessor Parcel 3-1.1  
prepared for  
**U.S. Specialty Insurance Company**  
Scale 1"=30' December 20, 2017



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933 Fax (508) 693-4933





**Legend**

- 100 — EXISTING CONTOUR
- — — — — APPROXIMATE PROPERTY LINE
- — — — — CENTER LINE OF DRIVEWAY

**Planting Specifications**

AMERICAN BEACHGRASS - PLANTED AS 5" PLUGS  
AT 18" ON-CENTER

<b>Common Name</b>	<b>Scientific Name</b>
AMERICAN BEACHGRASS	AMMOPHILA BREVILIGULATA

AREA TO BE PLANTED: 800± SQ. FT.  
330 PLANTS NEEDED

*Site Plan - Site 3  
in  
Aquinnah, Massachusetts  
at Lobsterville Road  
prepared for*

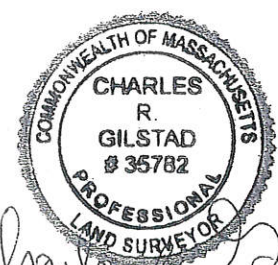
**U.S. Specialty Insurance Company**

Scale 1"=10' December 20, 2017



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933 Fax (508) 693-4933

- NOTE:**
1. THE ENTIRE LOT IS WITHIN NHESP ESTIMATED HABITATS OF RARE WILDLIFE AND NHESP PRIORITY HABITATS OF RARE SPECIES JURISDICTION.
  2. 100 YEAR FLOOD ELEVATION = 12.0 (VE ZONE) (FROM F.E.M.A. F.I.R.M. MAP REVISED JULY 20, 2016)
  3. THE CONTRACTOR SHALL MAINTAIN THE VEGETATION FOR 12 MONTHS AFTER PLANTING IS COMPLETED. (15% MORTALITY RATE OF PLANT IS ALLOWED)
  4. THE CONTRACTOR SHALL REMOVE PLANTS BEYOND 15% MORTALITY AT CONTRACTOR'S OWN COST.



*Charles R. Gilstad*  
12/20/17