

**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  
and the Chilmark Wetland By-Law

Provided by MassDEP:  
 \_\_\_\_\_  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
 Chilmark  
 \_\_\_\_\_  
 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):

Squibnocket Farm Road & Squibnocket Road Chilmark 02535  
 a. Street Address b. City/Town c. Zip Code

Latitude and Longitude:  
35 1.30 & 23  
 f. Assessors Map/Plat Number d. Latitude e. Longitude  
 g. Parcel /Lot Number

2. Applicant:

Town of Chilmark  
 a. First Name b. Last Name

c. Organization  
c/o Vineyard Land Surveying & Engineering, Inc. PO Box 421

d. Street Address  
West Tisbury MA 02575  
 e. City/Town f. State g. Zip Code

508-693-3774 vlsi@comcast.net  
 h. Phone Number i. Fax Number j. Email Address

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

Vineyard Open Land Foundation \_\_\_\_\_  
Squibnocket Farms Inc b. Last Name

c. Organization  
c/o Vineyard Land Surveying & Engineering, Inc. PO Box 421

d. Street Address  
West Tisbury MA 02575  
 e. City/Town f. State g. Zip Code

508-693-3774 vlsi@comcast.net  
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Reid G. Silva, PE/PLS  
 a. First Name b. Last Name

Vineyard Land Surveying & Engineering, Inc.  
 c. Company

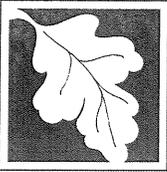
PO Box 421  
 d. Street Address

West Tisbury MA 02575  
 e. City/Town f. State g. Zip Code

508-693-3774 vlsi@comcast.net  
 h. Phone Number i. Fax Number j. Email address

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

exempt exempt exempt  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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## A. General Information (continued)

6. General Project Description:

The Public Archaeological Laboratory (PAL) will dig archaeological test pits.

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 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:

Dukes

a. County

691

c. Book

b. Certificate # (if registered land)

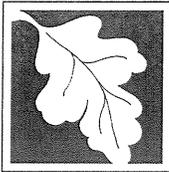
254

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)	

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

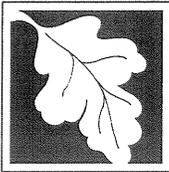
4. Proposed alteration of the Riverfront Area:

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)



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	0	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	0	
	1. square feet	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

\_\_\_\_\_

a. square feet of BVW

\_\_\_\_\_

b. square feet of Salt Marsh

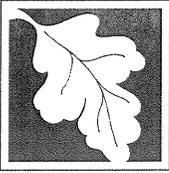
5.  Project Involves Stream Crossings

\_\_\_\_\_

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 Notice of Intent – 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://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_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

October 1, 2008  
b. Date of map

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

- 1c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area 0  
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/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). 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. 08-25315 November 2014  
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 or hand delivery of NOI to either:

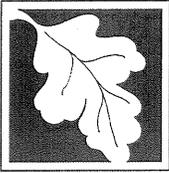
South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694

Division of Marine Fisheries - North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

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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## 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.

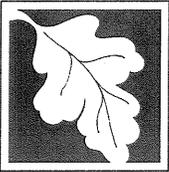
## D. Additional Information

- 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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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.

Site Plan in Chilmark, Mass. prepared for the Town of Chilmark

a. Plan Title

Vineyard Land Surveying & Engineering,  
Inc.

c. Signed and Stamped by

June 26, 2015

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:

2. Municipal Check Number

3. Check date

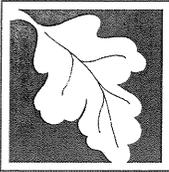
4. State Check Number

5. Check date

Vineyard Land Surveying & Engineering, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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

*Chris D. Lee* Chairman Vineyard Open Land Foundation 6/23/2015

2. Date

3. Signature of Property Owner (if different)

*Bob [unclear] (AGENT)* 6/26/2015

4. Date

5. Signature of Representative (if any)

6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

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

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

*Vineyard Land Surveying & Engineering, Inc.*

*PO Box 421, West Tisbury, MA 02575-0421*

*Glenn F. Provost*  
Professional Land Surveyor

*Reid G. Silva*  
Professional Engineer

*William M. Austin*  
Professional Land Surveyor

(t) 508-693-3774

e-mail [vlsi@comcast.net](mailto:vlsi@comcast.net)

(f) 508-629-0440

June 22, 2015

Dear Abutter:

Massachusetts General Laws Chapter 131 Section 40 requires any person filing a Notice of Intent with a conservation commission give notification to abutters.

As such an abutter please note that a Notice of Intent has been filed with the Chilmark Conservation Commission on behalf of the Town of Chilmark to allow The Public Archaeological Laboratory (PAL) to dig archaeological test pits at the potential site for a relocated Squibnocket parking lot and boat/skiff launch. The proposed work is located at Squibnocket Farm Road and Squibnocket Road, Assessor Map 35, Parcels 1.30 and 23, Chilmark, MA.

Copies of this Notice of Intent are on file with the Chilmark Conservation Commission at the Town Hall. For more information or to examine copies contact the Conservation Commission at the Town Hall (508)-645-2114 or this office.

At least 5 days before the public hearing, a legal notice will be published in a local paper.

Sincerely,

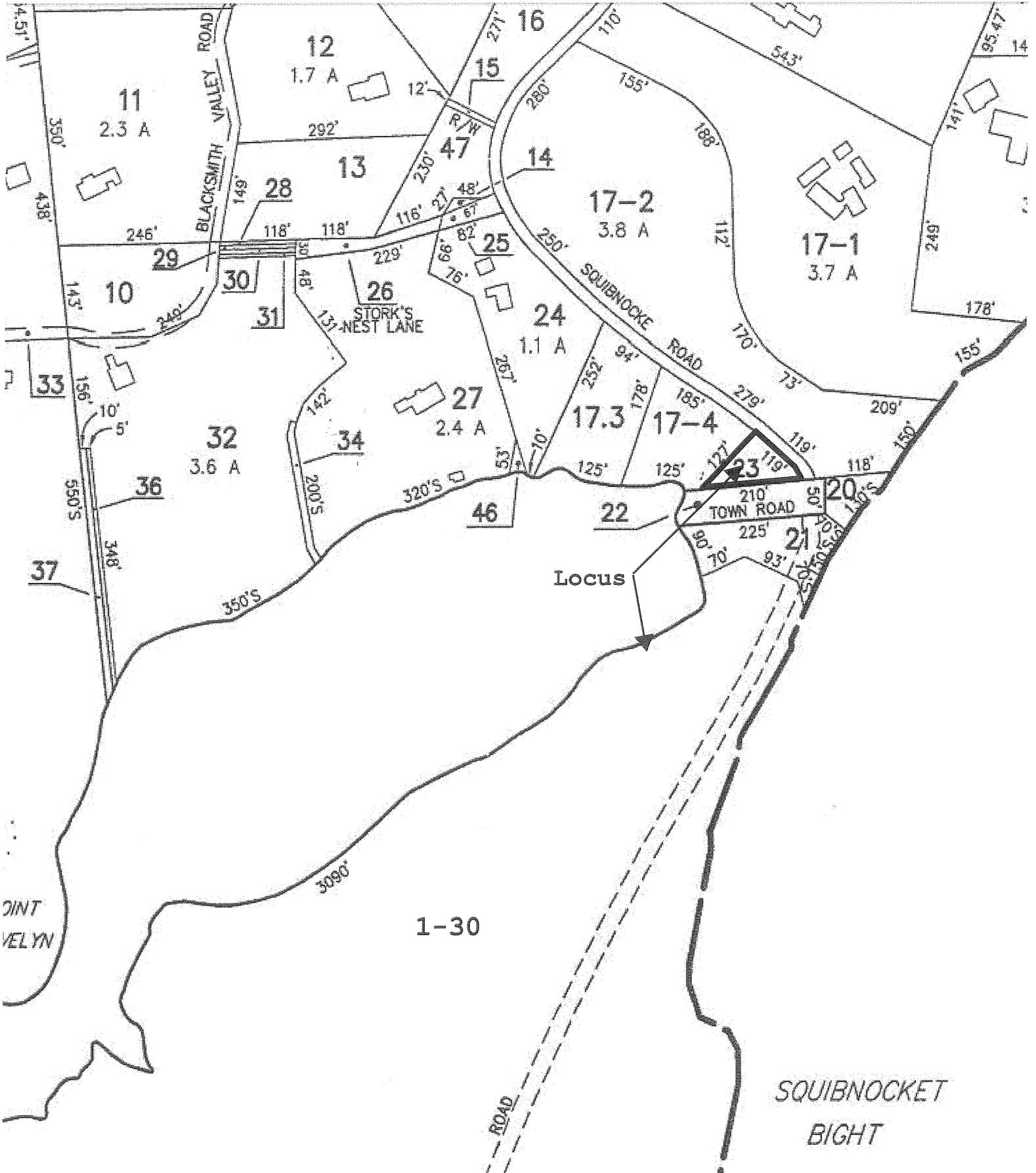


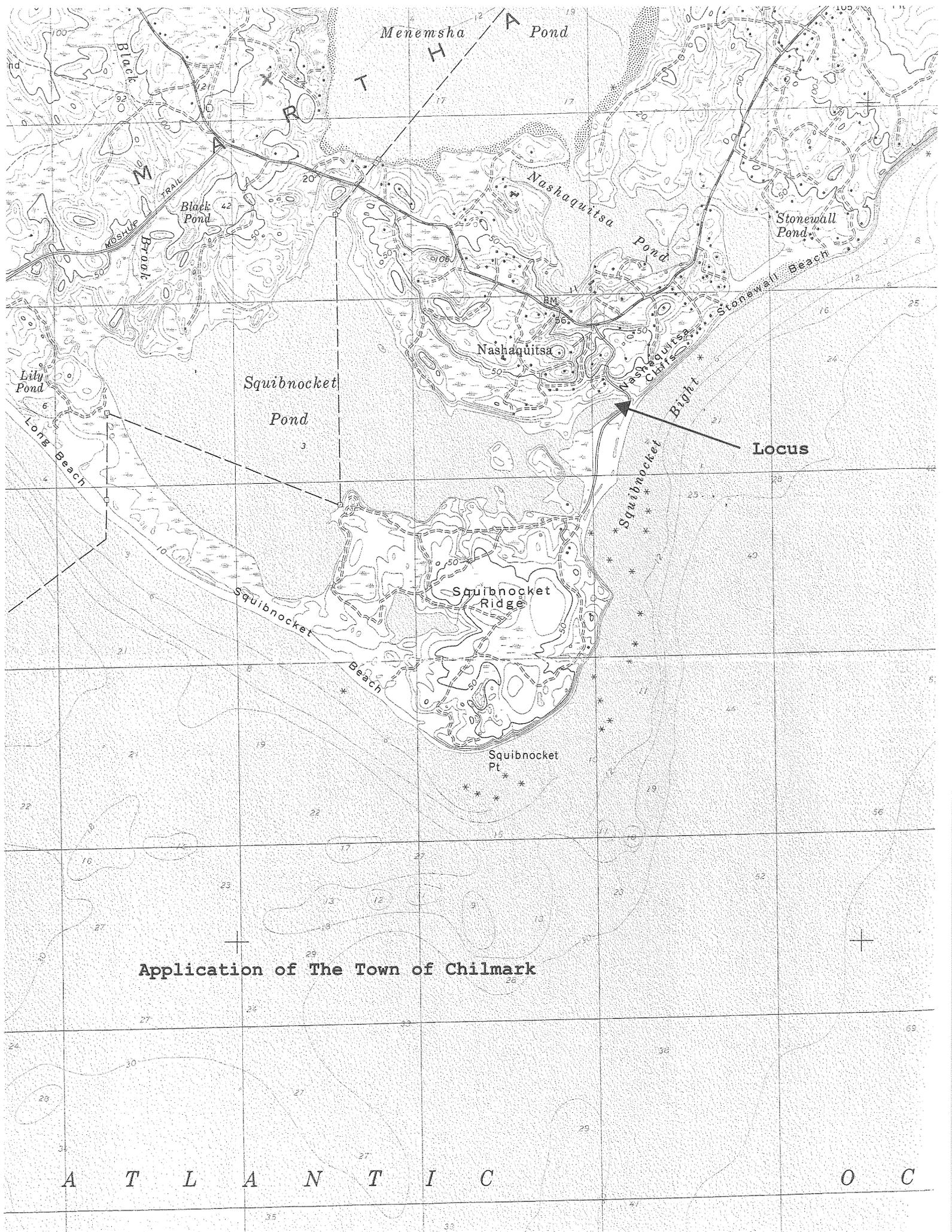
Reid G. Silva, PE/PLS  
Professional Engineer  
Professional Land Surveyor

Abutter List  
 for  
 The Town of Chilmark  
 on property owned by  
 The Vineyard Open Land Foundation  
 and Squibnocket Farm Inc  
 Assessor Map 35 Parcels 1.30 and 23  
 (Abutters within 300' of locus)  
 All abutters are on Assessor Map 35

Assessor Parcel	Name	Address	CityStateZip
1.2	Honker & Sons LLC c/o Anchin, Block and Anchin, LLP	1375 Broadway	New York, NY 10018
1.3	Paul S. Hornblower	PO Box 345	Chilmark, MA 02535
1.9	Warren J. Spector Margaret Whitten	11 W 10 <sup>th</sup> St	New York, NY 10011
1.18 1.19 1.22	Vineyard Open Land Foundation	PO Box 4608	Vineyard Haven, MA 02568
1.28	Barbara Hunter Foster, Trustee Pacer II Nominee Trust c/o Foster, Dykema and Cabot	101 Arch St. 18 <sup>th</sup> Floor	Boston, MA 02110
14 27 47	Regen Fam Storks Nest LLC D. Stork	6 Storks Nest Ln	Chilmark, MA 02535
17.1	Anthony G. Orphanos Wendy Jeffers Blacksmith Ridge RE Trust	62-63 Crosby St.	New York, NY 10012
17.2 17.4	Harold I. Pratt, Trustee Thomas E. Bator, Trustee	c/o Pratt & Bator LLP 50 Congress St	Boston, MA 02109-4002
18	Michael C. Mewhinney Linda D. Mewhinney	4242 Cochran Chapel Rd.	Dallas, TX 75209
20	Town of Chilmark	PO Box 119	Chilmark, MA 02535
21	Squibnocket Farm Assoc Inc. c/o Marylee Schroeder	PO Box 1055	West Tisbury, MA 02575
24 46	Estate of Anne B. Vytlacil c/o William Keating	14 Wildwood Dr	Bedford, MA 01730
38	Douglas Liman	71 Hudson St	New York, NY 10013
44	Martin M. Hale, Trustees Deborah C. Hale, Trustees	220 Boylston St, #1020	

Application of the Town of Chilmark





Menemsha Pond

MASHUP ROAD

Black Pond

Nashaquitsa

Stonewall Pond

Squibnocket Pond

Lily Pond

Nashaquitsa Cliffs

Locus

Squibnocket Ridge

Squibnocket Beach

Squibnocket Pt

Application of The Town of Chilmark

A T L A N T I C O C

# *Vineyard Land Surveying & Engineering, Inc.*

*PO Box 421, West Tisbury, MA 02575-0421*

*Glenn F. Provost*  
Professional Land Surveyor

*Reid G. Silva*  
Professional Engineer

*William M. Austin*  
Professional Land Surveyor

(t) 508-693-3774

e-mail [vlsi@comcast.net](mailto:vlsi@comcast.net)

(f) 508-693-8575

June 23, 2015

Applicant: Town of Chilmark

Assessor Parcels: 35-1.30 & 23

## **Project Description**

The Public Archaeological Laboratory (PAL) will dig archaeological test pits at two sites:

Site 1: The vicinity of Squibnocket Road within the potential area for a relocated Squibnocket Beach parking lot.

Site 2: On Assessor Parcel 35-1.30, Squibnocket Farm Road owned by Vineyard Open Land Foundation for the proposed boat launch ramp.

Plan and Materials List  
for  
The Town of Chilmark

1. Notice of Intent
2. Transmittal Fee Form
3. Site Plan in Chilmark, Mass.  
Prepared for The Town of Chilmark  
By Vineyard Land Surveying & Engineering, Inc.  
June 26, 2015 Scale 1 inch = 30 feet  
(1 sheet)
4. Abutter Letter dated June 22, 2015
5. Abutter List
6. Town of Chilmark Assessor Map
7. USGS topo map
8. Project Description