



# GRAHAM ASSOCIATES, INC.

RB

CIVIL ENGINEERS  
PROFESSIONAL SERVICES SINCE 1984

TWO CENTRAL STREET  
IPSWICH, MA 01938

PH: 978-356-2756  
FAX: 978-356-4880  
EMAIL: hl.graham@verizon.net

April 20, 2007

M.E.P.A./E.O.E.A.  
100 Cambridge Street  
9th Floor  
Boston, MA 02114

Attn: Deerin Babb-Brott  
Rick Bourree

Re: "Replacement Project"  
17-25 South Main Street  
Ipswich, MA  
H.L. Graham Project No. 07-710



Dear Sirs:

This letter and plan prints are a follow-up to my telephone conversation earlier this week with Rick Bourree about the project I described at the above referenced location.

The preexisting structure burned in May '06 leaving the foundation and a wood deck at the north end of the building nearest Choate Bridge. Also remaining is a concrete slab and a wood deck at the south end, river side of the site. I have highlighted these various existing features on the Existing Conditions and Demolition Plan print enclosed.

We propose to keep the foundation and first floor coverage within the lines of the preexisting structure, eliminating the significant overhang nearest the bridge (see the red outlined area on the Foundation Coverage print enclosed).

In order to secure the proposed new foundation as well as to protect the bank from continual erosion, we are proposing a granite block retaining wall (shaded in red on the latter referenced plan). The location of this wall (with cap and railing) with respect to the building also provides a required second means of egress from the building.

The above referenced wall cap would be at El. 7.5 only 3' above mean high tide. And as you can see, the referenced wall is proposed largely up slope of the top of bank and mean high tide lines and well within the limits of the existing wood deck and concrete slab at the southwest corner of the site.

As I mentioned to Mr. Bourree, we have discussed this project with the Ipswich Conservation Commission on two separate occasions and anticipate filing a NOI shortly. We have also discussed the plans with D.E.P. Ch. 91, C.O.E., MA Division of Marine Fisheries and CZM representatives.

Our objective throughout our conceptual planning efforts has been to redevelop the site in a manner consistent with the requirements of 310 CMR 10.58(5) whether or not exempt under 310 CMR 10.58(6)(a). That standard is to redevelop the site as an improvement to existing conditions. We believe our plans accomplish that goal.

The purpose of this letter is to request your pre-filing review of the material and for a decision as to whether or not an ENF filing will be required.

We have reviewed M.E.P.A. Regulations Sections 11.01, 11.02 and 11.03. It is our interpretation that this project could be considered a Replacement Project and that under 11.02(2)(b)3., Replacement Projects do not trigger "review thresholds" and therefore a "Permit" is not required.

In addition, we find under the definition of "permit" in Section 11.02. at paragraph (d) 4. that "for purposes of review thresholds, Permit shall not be considered to include: ..... 4. a permit, license, certificate, variance, or approval to continue a preexisting lawful use on a Project site, or amendments or extensions thereof".

Given the above, it is our opinion that an ENF filing under Section 11.03(3)(b) would not be required. However, the reason for this letter and plans is to seek your opinion and direction relative to same.

I look forward to hearing from you at your earliest convenience and please call if you have any questions.

Very truly yours,

**H.L. GRAHAM ASSOCIATES, INC.**



H.L. Graham, P.E.  
President

HLG/gb

Enclosures

cc: Corcoran Brothers Development, Inc.  
K.J. Savoie Architecture  
Ipswich Conservation Commission