



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

April 6, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : 56 Leonard Road Residence
PROJECT MUNICIPALITY : Sandwich
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 13976
PROJECT PROPONENT : 56 Leonard Road Nominee Trust
DATE NOTICED IN MONITOR : February 20, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project consists of the construction of a 2,600 square feet (sf) single family home with deck (938 sf) on wooden pilings, a 624 sf detached garage, approximately 280 lf of pervious driveway, an on-site Title 5 septic system, and a private on-site water supply well on a 1 acre site located on a coastal dune in Sandwich.

The project is subject to review pursuant to Section 11.03(3)(b)(1)(a) of the MEPA regulations because the project alters a barrier beach (approximately 1,668 sf). It will require a Superseding Order of Conditions from the Department of Environmental Protection (MassDEP). On May 16, 2006, the proponent received an Order of Conditions from the Sandwich Conservation Commission, which was appealed by an abutter. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (wetlands and stormwater). The project's potable water supply needs will be supplied from a private on-site well.

The project is estimated to consume approximately 440 gallons per day (gpd) of water, and generate approximately 440 gpd of wastewater flow to the proponent's proposed on-site Title 5 Septic System. According to the proponent, the project will impact Coastal Dune and Bordering Vegetated Wetland (BVW) buffer area. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

Wetlands

In their comments, MassDEP has indicated that the project is located on a stable and well vegetated coastal dune. The proposed construction activities have been located outside of the designated coastal flood plain. As a result, the project's potential impacts to coastal dune resources are not significant to MassDEP's statutory interests of storm damage prevention and flood control.

Stormwater

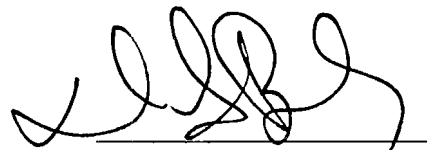
Existing site runoff is sheet flow. The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices. The proponent will create approximately 938 sf of impervious area. The proposed driveway will be pervious.

Rare Species

According to the comments received from the Natural Heritage and Endangered Species Program (NHESP), the project site may contain Estimated or Priority Habitat for the Eastern Spadefoot Toad (*Scaphiopus holbrookii*). NHESP has requested that the proponent explore site design options that would locate the proposed residential construction further westward and closer to Leonard Road. The proponent will need to supply NHESP with additional information to determine if the project as currently designed will result in a "take" of state-protected species an alternatives analysis, and will require the proponent's preparation of a Conservation and Management Permit pursuant to 321 CMR 10.23. The proponent should forward a copy of the proponent's proposed rare species impact minimization and mitigation plan to the MEPA Office for the project file.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. MassDEP has sufficient permitting authority to ensure that no significant impacts occur because of this project. No further MEPA review is required.

April 6, 2007
Date



Ian A. Bowles, Secretary

Comments received:

03/09/07 Massachusetts Department of Environmental protection (MassDEP) - SERO
03/12/07 Natural Heritage and Endangered Species Program (NHESP)
03/13/07 Joel J. Rubenstein, M.D.
03/05/07 Division of Marine Fisheries
03/14/07 Cecily Marshall
03/09/07 Paul C. Wightman, Attorney
03/15/07 Sarah Salois
03/16/07 Carolee Proscia

ENF #13976
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