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June 2, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Nantasket Beachfront Condominiums Project  
PROJECT MUNICIPALITY : Hull  
PROJECT WATERSHED : Boston Harbor  
EOEA NUMBER : 13354  
PROJECT PROPONENT : Nantasket Beachfront Condominiums, LLC  
DATE NOTICED IN MONITOR : April 26, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project is adequate and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

MEPA review is an informal process, which does not itself result in any formal adjudicative decision approving or disapproving a project. Section 11.08(8) of the MEPA Regulations requires me to find a FEIR adequate even if certain aspects of the project or issues require additional analysis of technical issues, so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking Agency Action on the Project." The comments received from both the Department of Environmental Protection (DEP) and Coastal Zone Management (CZM) identify significant concerns regarding project design. DEP has indicated that the project, as currently proposed, cannot be permitted. However, DEP and CZM have recommended that the project now proceed to DEP's permitting review process. Therefore, as described in more detail in this Certificate, after examining the record before me, I find that there is enough information on alternatives, impacts, and mitigation to meet that standard supporting a finding of adequacy for the FEIR submitted for this project.

**Project Description:**

The proposed project involves the phased (Phase I & II) construction of 58 residential condominium units and 12 residential townhouse units and supporting utilities and stormwater infrastructure on two separate development parcels located within a 13.1-acre project site bounded by the Hull Shore Drive Extension roadway on the north and the Weir River Estuary on the south in Hull. The Weir River Estuary has been designated as an Area of Critical Environmental Concern (ACEC) and an Outstanding Resource Water (ORW). Nantasket Avenue bisects the project site creating the proponent's proposed Beachfront development parcel (2.3 acres) and the Bayside development parcel (1.2 acres), along with a number of additional smaller land parcels. As described by the proponent, the proposed project will not impact any bordering vegetated wetlands (BVW) located within the project site or associated with the Weir River Estuary that may be located to the south of the proposed project site, but will result in the alteration of approximately 3.8 acres of buffer zone to coastal wetlands resource areas. The proposed project also involves the construction of a 5.6-acre public Beachfront Park/recreational area, a 4.1-acre public Bayside Park.

**Beachfront Development Parcel**

The proposal for the Beachfront development parcel involves the construction of 58 residential condominium units (two separate buildings), approximately 175 surface parking spaces (116 at-grade/under building resident spaces, 59 visitor surface spaces) and related infrastructure on a 2.3-acre development parcel located between Hull Shore Drive and Nantasket Avenue (Beachfront parcel). As currently proposed, the Beachfront condominium development will be accessed from the north across from the Hull Shore Drive/Beach Avenue intersection and from the south at two separate locations off Samoset Avenue. The water supply needs and wastewater flows (15,180 gpd) for the Beachfront condominium development will be served by the Town of Hull's water and sewer departments, respectively.

**Bayside Development Parcel**

As currently proposed, the Bayside development includes the construction of 12 residential townhouse units (two separate buildings), 27 surface parking spaces (22 at-grade/under building resident spaces, 5 visitor surface spaces) and related infrastructure on a 1.2-acre development parcel located between Nantasket Avenue and the Weir River Estuary (Bayside parcel) in Hull. The Bayside townhouse development will be accessed from the north at two separate locations: off Nantasket Avenue via a private driveway to be located on land owned by the Town of Hull that will provide direct access to 2 townhouse units in Building #2, and directly from Bay Street to provide direct access to 2 townhouse units in Building #1. Access to the remaining 3 townhouse units in Building #1 will be provided by 3 separate driveways located on Bay Street. The water supply demand and wastewater flows (2,640 gpd) for the Bayside townhouse development will also be served by the Town of Hull's water and sewer departments, respectively.

**Jurisdiction /Project Review:**

This project has undergone an intensive environmental review, starting in August 2004, pursuant to sections 11.03 (3)(b)(1)(a) and (3)(b)(1)(e) of the MEPA regulations, because the project requires state permits and will involve alteration of a barrier beach and will require new fill and/or structure in a velocity zone (Flood Velocity Zone V4) or regulatory floodway. The project is also undergoing review pursuant to sections 11.03 (3)(b)(2) of the MEPA regulations because the project will result in the construction of a new utility line providing service to a structure on a barrier beach. The project also requires a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Hull Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. As I noted in the Certificate on the ENF, the proposed project did not categorically require the preparation of an Environmental Impact Review (EIR) pursuant to the MEPA regulations. However, the comment letters received from DEP, CZM, the Hull Conservation Commission, and others on the ENF raised concerns regarding the currently designed project's consistency with the performance standards for construction within a barrier beach and the proposed project's impacts to coastal wetland resource areas.

The review of the FEIR contains a number of outstanding issues related to the proponent's preferred project design and its potential impacts on coastal storm damage, stormwater management, and open space protection that must be satisfactorily resolved during the permit review process for this project.

**Project Design:**

The project site is a coastal dune and barrier beach. As a result, the proponent must demonstrate that the project complies with the performance standards under the Wetlands Protection Act (310 CMR 10.27-10.29) including standards related to construction on coastal dunes and barrier beaches and extent of alteration of coastal wetlands resource areas. The proponent must satisfactorily demonstrate to DEP that the proposed project, as currently designed, complies with the performance standards under the Wetlands Protection Act for work within coastal wetland resource areas and will not adversely impact or cause an increase in the potential for storm or flood damage.

**Site Design Alternatives**

In their comments on the FEIR, CZM has recommended that the site plan for the Beachfront Development Parcel be revised by exchanging the proposed locations for the Beachfront Building #2 and the gravel parking area adjacent to Samoset Avenue. According to CZM, this revision would move Building #2 landward of the velocity zone, and would place the proposed gravel parking area in a location to help dissipate coastal storm energy. As I have indicated elsewhere in this Certificate, I am concerned that the project, as proposed, requires parking spaces in excess of the local zoning requirements, and therefore, creates an excessive amount of land alteration and impervious surface area.

I ask the proponent to work closely with DEP and CZM to further reduce project impacts and proposed new impervious surface area through the elimination of any proposed parking in excess of local zoning requirements.

#### Foundation Design Alternatives

Both DEP and CZM continue to express concerns with the foundation design (individual column footings) identified in the proponent's preferred alternative. According to CZM, the proposed foundation design will adversely affect the ability of the site to provide storm damage prevention and high energy coastal flood control. As I've noted above, DEP has indicated that the project, as currently designed, may not be permissible.

The proponent must present additional information to DEP and CZM pertaining to the proponent's assessment of alternative foundation support designs for the project. Specifically, the proponent will need to successfully demonstrate how the proposed foundation design best meets the performance standards under the Wetlands Protection Act, and will result in the least amount of impact to barrier beaches from high energy coastal flooding or scour on the proposed foundation design. The proponent will also need to provide DEP and CZM with additional information that clearly demonstrates the comparative advantages of the proposed foundation design pertaining to resistance to flotation, collapse, and displacement during extreme coastal storm events between each of the foundation design alternatives.

#### Impervious Surface Area

The proposed project creates approximately 3 acres of impervious surfaces in an area that has been shown to be subject to coastal flooding and coastal storm damage. According to the comments received from DEP, the project, as currently designed, proposes an excessive amount of impervious surface area within a project area characterized as a coastal dune and barrier beach. DEP has identified the need to eliminate proposed parking spaces, in excess of the Town of Hull's Flexible Development Plan Bylaw (FDP) requirements for parking, to further minimize the project's impacts on barrier beach and coastal wetland resources. The condominium development project includes construction of approximately 170 under-building and surface parking spaces (Beachfront Development -141 spaces, Bayside Development – 29 spaces). According to the information provided in the FEIR, based on the Town of Hull's Flexible Development Plan ByLaw (1.5 parking spaces per unit), a total of 99 parking spaces are required to serve the proposed project (81 spaces – Beachfront Development, 18 spaces – Bayside Development). Under the current masterplan design for the project area, additional impervious surface parking areas are planned to accommodate more than 150 additional vehicles for Hull residents and tourists using the proposed public park and beach.

The proponent must work with DEP and CZM to identify additional opportunities to further minimize the total amount of land alteration and impervious surface area associated with the proposed Beachfront and Bayside developments, and the construction of any proposed open space/public parkland.

**Stormwater Management:**

The proponent has incorporated Low Impact Design (LID) practices in the design of the project's stormwater management plan, including a drainage system comprised of gravel parking lots, grass swales, gravel infiltration trenches and subsurface infiltration areas to infiltrate roof runoff. According to the comments received from DEP, the proponent's proposed use of subsurface infiltration system technology, including the Cultec Recharger 180 and a flow diffuser gallery, will not be necessary for a project area characterized by highly permeable native sand, and a development plan that results in minimal impervious surface area. The elimination of the proposed subsurface infiltration system will help to further minimize potential storm damage impacts from the proposed project.

I note that according to the information provided in the FEIR, the Beachfront Park (4.7 acres) has been designed to provide both a public amenity and coastal storm flood control. As currently designed, approximately 255 cubic yards of flood storage capacity will be created within the proposed Beachfront Park.

**Open Space/Park Land:**

The Beachfront and Bayside development parcels, and Beachfront and Bayside parks development parcels, along with a number of other parcels of property located within the project area, including the closure and redevelopment of the Hull Shore Drive Extension roadway (approximately 13.1 acres total), are commonly owned by the Hull Redevelopment Authority (HRA).

As described in the FEIR, approximately 9 acres of the project site (approximately 69%) will be maintained as permanently protected open space. Upon completion of Phase I and II, the proponent has proposed to donate the Beachfront Public Park to the Hull Open Space Trust, Inc. to be permanently protected as a public Beachfront Park. I strongly encourage the proponents to place the remaining undisturbed open space (approximately 4.3 acres) located within the Bayside development parcel project under a Conservation Restriction (CR) to ensure for its permanent open space and/or public parkland protection.

I anticipate that DEP's permitting process will require the proponent to respond to the comments received on the FEIR from DEP, CZM and others pertaining to the proponent's preferred alternative foundation design, stormwater management plan, parking plan, and creation of new impervious surface area. The proponent should notify the MEPA Office of any proposed revisions to the proposed project as a result of the DEP permitting process. I also anticipate, that in the event DEP's permitting process results in significant revisions to the proposed project, the proponent may need to prepare for Agency review and adoption a revised proposed Section 61 Findings, pursuant to MEPA, which details all of the proponent's enforceable commitments to actions that will avoid, minimize, or mitigate the project's environmental impacts.

The proponent should forward a copy of any revisions to the proposed Section 61 Findings for this project to the MEPA Office for the project file.

June 2, 2006  
DATE

  
Stephen R. Pritchard, Secretary

Comments received: (continued on following page)

05/31/06	Massachusetts Department of Environmental Protection – NERO
05/26/06	Office of Coastal Zone Management (CZM)
05/05/06	Shirley Harrison
05/01/06	Patrick Cannon
05/01/06	Ed White
05/02/06	Maureen R. Beneway
05/01/06	Charles E. Gould
04/25/06	Phylliss Aucoin
04/24/06	Jan Scullane
05/17/06	Form Letters (2) Petition containing 42 signatures in Opposition to the Proposed Project
05/17/06	Richard & Elizabeth Thompson
05/17/06	Helen Weiser
05/17/06	Eleanor C. Destito
05/15/06	Jean Mumford
05/12/06	Nancy Bokun
05/12/06	Christopher Olivieri
05/08/06	George Geden
05/08/06	Mary Geden
05/08/06	Joan Meschino
05/10/06	Madeline Mattera
05/10/06	Patrick F. Cannon
05/08/06	Sarah Fine
05/10/06	Joan E. Beaudoin
05/10/06	Vernon Wood
05/16/06	Form Letter Petitions (4) containing 87 signatures in Opposition to the Proposed Project
05/12/06	Form Letter Petitions (3) containing 71 signatures in Opposition to the Proposed Project
05/08/06	Form Letter Petition containing 30 signatures in Opposition to the Proposed Project

Comments received: (continued)

05/15/06     Mary Allen  
05/17/06     Walter Introne Jr.  
05/15/06     Joann Capone  
05/02/06     Teresa Plunkett

EOEA #13354 FEIR  
SRP/NCZ/ncz