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November 7, 2008

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

PROJECT NAME : Cafro Residence
PROJECT MUNICIPALITY : Eastham
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 14324
PROJECT PROPONENTS : Thomas Cafro
DATE NOTICED IN MONITOR : October 8, 2008

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

The proposed project consists of construction of a 480 square-foot garage (20 feet x 24 feet) which will be supported on pilings within a coastal dune. A single-family home exists on the 23,200 square foot project site, which abuts a coastal beach of Cape Cod Bay in Eastham.

The project is undergoing environmental review pursuant to Section 11.03(3)(b)(1)(a) because it involves alteration of a coastal dune and requires a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The proposed project was denied by the Eastham Conservation Commission and has been appealed by the proponent. The project may be subject to Coastal Zone Management (CZM) federal consistency review, which requires that the project be found consistent with CZM's enforceable program policies.

The proponent is not seeking financial assistance from an agency of the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the

Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to land and stormwater, wetlands, waterways and tidelands.

According to the Environmental Notification Form (ENF), the proponent considered alternatives including a location on the south side of the dwelling, which would result in a greater portion of the garage footprint being located within the coastal dune system. The ENF states that the garage is currently located as easterly as possible in order to comply with Zoning and Board of Health regulations. The ENF indicates, and the proponent confirmed during the MEPA site visit, that the proposed garage will be relocated further away from the coast to the minimum setback requirement of 30 feet from Nycoma Way. As noted by MassDEP in its comment letter, the relocation results in placement of the garage on a portion of the site that is already altered by the existing driveway, thus minimizing impact to the dune.

The proponent should submit additional detailed plans to MassDEP as requested for the Superseding Order application. I refer the proponent to MassDEP's comment letter for additional information on the re-designed plan as well as stormwater permit requirements for construction activities, and notification requirements under the Massachusetts Contingency Plan (if oil and/or hazardous material is identified during project implementation).

Based on review of the ENF and comments received, and consultation with MassDEP, I have determined that no further MEPA review is required. The project may proceed to state permitting.

November 7, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

10/23/08

Division of Marine Fisheries

10/28/08

Department of Environmental Protection, Southeast Regional Office

IAB/AE/ae