

Commonwealth of Massachusetts

Executive Office of Environmental Affairs ■ MEPA Office

ENF

Environmental Notification Form

<i>Septic system For Office Use Only Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>13027</u>
MEPA Analyst:	<u>Deirdre Buckley</u>
Phone: 617-626-	<u>1044</u>

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Kerrigan		
Street: #7 Madeline Road		
Municipality: Falmouth	Watershed: Cape Cod	
Universal Tranverse Mercator Coordinates:	Latitude:	Longitude:
Estimated commencement date: Sept. 03	Estimated completion date: May '04	
Approximate cost: \$250,000	Status of project design: 80 % complete	
Proponent: James Kerrigan		
Street: P. O. Box 2068		
Municipality: Teaticket	State: MA	Zip Code: 02536
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Barbara Frappier		
Firm/Agency: Warwick & Associates, Inc.	Street: 63 County Road – P. O. Box 801	
Municipality: North Falmouth	State: MA	Zip Code: 02556
Phone: (508) 563-7777	Fax: (508) 563-2638	E-mail: warwick@adelphia.net

- Does this project meet or exceed mandatory EIR threshold (see 301 CMR 11.03)?
- Yes **11.03(b)1a** No
- Has this project been filed with MEPA before?
- Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
- Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **No, private property**

Are you requesting coordinated review with any other federal, state, regional, or local agency?

Yes. Specify: **This ENF is being submitted as a condition of a request by the proponent for Departmental Action by DEP.**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superseding Order of Conditions * <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify:
Total site acreage	9,600 sq. ft.			
New acres of land altered		1,350+- sq. ft.		
Acres of impervious area	0	90+- sq. ft. pile footings	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		1,350+- sq. ft. LSCSF & Coastal Bank		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				<p>* Proponent has applied for a <u>Superseding Order of Conditions</u></p> <hr/> <hr/> <hr/> <hr/> <hr/>
Gross square footage	0	836	836	
Number of housing units	0	1	1	
Maximum height (in feet)	0	35	35	
TRANSPORTATION				
Vehicle trips per day	N/A	N/A	N/A	
Parking spaces	N/A	N/A	N/A	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	N/A	N/A	N/A	
GPD water withdrawal	N/A	N/A	N/A	
GPD wastewater generation/ treatment	N/A	N/A	N/A	
Length of water/sewer mains (in miles)	N/A	N/A	N/A	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

- (a) *The proponent is seeking to construct a 3 bedroom single family dwelling on pile foundation, a Title V septic system with enhanced denitrification, & appurtenances. The property is a wooded (oak & pine) 9,600 sq. ft. lot in a densely developed neighbor. The site abuts Eel Pond a dredged tidal canal. The site consists of the following resource areas: Bordering Vegetated Wetland [BVW], Land Subject to Coastal Storm Flowage [LSCSF] - an "A" flood zone, and coastal bank. The work as proposed is located partially within the buffer zone to the BVW, partially within an "A" flood zone and, in part, on the coastal bank. By applying DEP policy 92-1 this very shallow slope qualifies as coastal bank. However, this banking is non-eroding, does not contain flood waters, or afford protection from storm waves. This coastal bank is a coastal bank in form but not function. The total intrusion into the coastal bank is < 1,350+- sq. ft.. That intrusion is in the form of clearing for construction access and placement of a small 3 bedroom dwelling on concrete piles. None of the septic system components are proposed on the coastal bank. There is no re-grading of the coastal bank proposed.*
- (b) & (c) *This is a single 9,600 sq. ft. residential house lot. There are no off-site alternatives available to the applicant other than abandoning the property and building on another site. This is not economically practical. The first on-site alternative is to "do nothing." This was rejected as being economically impractical. Selling the property to abutters was considered. This was also rejected as the abutters have, in effect, use and enjoyment of the land by default. Human nature dictates "why buy it when we can use it for nothing?". Using the property for other than residential purposes is not permitted by zoning. Constructing a large home with Title V septic system, landscaping, and clearing of vegetation to obtain a water view would be the most profitable use of the property as its desirability to a potential homeowner would be high. It would be comparable to many of the high-end homes that front on this waterway. However, in addition to being difficult to permit, such a proposal*

would not be environmentally responsible.

Therefore, the final alternative is that which was proposed. A modest 3 bedroom dwelling with minimal lot clearing and a Title V septic system w/ denitrification. This proposal provides for approximately 2/3rds of the depth between street and water's edge to be left in its naturally vegetated condition. The proposed home will be in keeping with the more modest homes in the neighborhood.