

**Commonwealth of Massachusetts**  
**Executive Office of Environmental Affairs ■ MEPA Office**

**ENF Environmental Notification Form**

*For Office Use Only*  
*Executive Office of Environmental Affairs*  
 EOE No.: 13538  
 MEPA Analyst: B. Angus  
 Phone: 617-626-1029

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: Fish Hills Realty Trust Residence		
Street: 174 Bayshore Rd.		
Municipality: Hyannis (Barnstable)	Watershed: Cape Cod	
Universal Tranverse Mercator Coordinates:	Latitude: 41.644464 Longitude: -070.274953	
Estimated commencement date: Fall 2005	Estimated completion date: Fall 2006	
Approximate cost: \$500,000	Status of project design: 95	%complete
Proponent: Fish Hills Realty Trust		
Street: 166 Bay Shore Road		
Municipality: Hyannis	State: MA	Zip Code: 02601
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Arlene M. Wilson, PWS		
Firm/Agency: A. M. Wilson Associates, Inc.	Street: 20 Rascally Rabbit Rd. Unit 3	
Municipality: Marstons Mills (Barnstable)	State: MA	Zip Code: 02648
Phone: 508-420-9792	Fax: 508-420-9795	E-mail:

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No

Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No

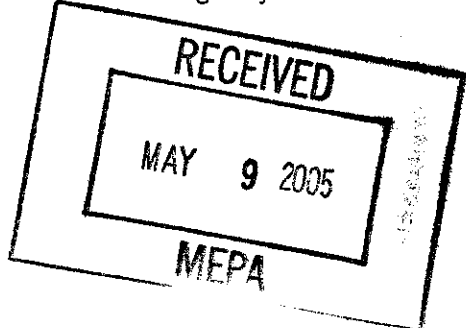
Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No

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 301 CMR 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): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals:  
 Order of Conditions – Barnstable Conservation Commission  
 Superceding Order of Conditions – MDEP



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
<b>LAND</b>				<input checked="" 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 <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	0.61			
New acres of land altered		0.02		
Acres of impervious area	0.025	0.07	0.095	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		±832 Bank ±5372 LSCSF		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>STRUCTURES</b>				
Gross square footage	962	2738	3054	
Number of housing units	1		1	
Maximum height (in feet)	±26' NGVD	±17'	40' NGVD	
<b>TRANSPORTATION</b>				
Vehicle trips per day	±2	±5	±7	
Parking spaces	1	+1	2	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	121	363	484	
GPD water withdrawal	NA	--	--	
GPD wastewater generation/ treatment	110	330	440	
Length of water/sewer mains (in miles)	NA	--	--	

**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.)

The subject property is located at 174 Bay Shore Road, Hyannis. The site is  $\pm 0.61$  acres in area. It presently supports a shed, a boathouse with studio apartment, access driveway and pier. The site is serviced by municipal water and sewerage. There is a maintained lawn and the remains of a man-made fish pond.

Resource areas at the site include subtidal and intertidal beach, truncated dunes, land subject to coastal storm flowage up to elevation 11' NGVD, and a small, discontinuous section of coastal bank. The Commission has found previously that the small, man-made fish pond is not a resource area under state or local statutes.

The site is not mapped by MNHP and no listed plants or animals have been observed at the site during field activities.

No state or federal agency – USGS, MCZM, MDEM, USDA/SCS – maps this location as having dunes. Both the USGS Surficial Geological Maps and the SCS Soils Maps classify the area as of glacial origins. The small dunes identified at the site appear to be of fairly recent origin and only a few feet deep. They are likely the result of major dredge and fill operations occurring periodically in the Hyannis Harbor/Lewis Bay area since the 1950s and the bottom altering activities associated with daily operation of large commercial vessels in the abutting waterway. Tracking the shoreline as shown on the waterways license plans for the site over the last 50 years show the site to be a depositional/accreting area. In order to identify the landward limit of the dunes, a series of shovel pits were dug. The delineation utilized grain shape – rounded grains being characteristic of dune deposits – and color – bright colors in the top and subsoil being characteristic of glacial materials.

Work includes demolition of the existing shed and construction of a new single family dwelling with attached garage and maintenance of the boathouse. The first floor elevation is proposed at  $\pm 15'$ , several feet above the 100 yr. flood elevation. The site will continue to be serviced by municipal water and sewer.

The new structure conforms with Zoning setbacks and lot coverage requirements.

Work, including foundation emplacement, regrading and landscaping will occur on the short, discontinuous section of coastal bank. This alteration confers MEPA jurisdiction.

As shown on the plans, the Coastal Bank is a crescent shaped area  $\pm 32'$  long (of a lot width totaling  $\pm 118'$ ) and  $\pm 832$  s.f. from its toe at the landward side of the fish pond to its top at el. 11', 1' higher than the 100 year flood elevation. This feature is entirely artificial, having been created when the prior owner excavated the fishpond. Because of its small geographic extent, it does not serve the functions normally ascribed to coastal banks. The site is an accreting area. The bank, well vegetated in any event, does not provide sediment to the beach. Nor, due to its limited horizontal extent, does it contain floodwaters. Approximately 2. s.f. of the Coastal Bank above to 100 yr. flood elevation will be displaced by foundation. The remaining bank area will have fill placed across its toe to reduce the slope when the artificial pond is removed and will then be landscaped with native compatible, back dune vegetation. Deck support posts may also be installed within the bank area.

The fishpond is proposed to be eliminated as part of this project. Project mitigation proposed includes the removal of all existing lawn and invasives north of the rear building line. New native compatible shrubs and sub-shrubs such as Bayberry, Beach Plum, Field Rose, Beach Pea, Sweet Bay, Broom, Hudsonia and/or Dusty Miller will be planted in swaths on the south side of the existing dunes. Between the shrubs and the house, sub-shrub and herbaceous materials including native compatible grasses, forbes, Dusty Miller, Beach Pea, and similar groundcovers will be installed. Native compatible wildflowers may be spotted between shrubs. This installation will also extend under the deck on the short section of Coastal Bank. Landscape tie in-ground stairs will be provided at the east side of the dwelling. Vegetated paths will run through the plantings to access the beach and pier. Beach access will be along the unvegetated boat hauling area now servicing the boathouse.

Gutters and downspouts will be provided to the extent necessary, although site soils are so permeable they are not readily erodable.

A work limit line will be established as shown on the plans approved by the Conservation Commission using staked haybales and/or siltation fence to be maintained until construction is complete.

With the naturalized plantings on the waterside of the house, there will be much less lawn than is common for other sites in the neighborhood. The density of area development significantly limits wildlife habitat potential for all but common suburban/urban species.

No significant adverse impacts to state or local wetland interests are anticipated.

Work has been approved by the Conservation Commission under 131/40 and its local Wetlands Ordinance. An abutter has appealed.

The pier replacement/extension was permitted separately and is not part of this proceeding.