

**ENF Environmental Notification Form**

*For Office Use Only*  
 Executive Office of Environmental Affairs  
 EOE No.: 13142  
 MEPA Analyst: DEIRDRE BUCKLEY  
 Phone: 617-626-1044

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: Proposed coastal stairway  |   |                             |
| Street: 15 Cliff Road  |   |                             |
| Municipality: Eastham  | Watershed: Cape Cod                             |                             |
| Universal Tranverse Mercator Coordinates:  | Latitude: 41° 48' 43"<br>Longitude: 69° 58' 06" |                             |
| Estimated commencement date: Spring 04   | Estimated completion date: Spring 04            |                             |
| Approximate cost: \$ 10,000  | Status of project design: 100 %complete         |                             |
| Proponent: Francis Zarette   |   |                             |
| Street: 625 South Street   |   |                             |
| Municipality: Shrewsbury   | State: MA                                       | Zip Code: 01545             |
| Name of Contact Person From Whom Copies of this ENF May Be Obtained:<br>Laura A. Schofield |   |                             |
| Firm/Agency: Schofield Brothers of Cape Cod  | Street: PO Box 101, 161 Cranberry Highway       |                             |
| Municipality: Orleans  | State: MA                                       | Zip Code: 02653             |
| Phone: 508-255-2098  | Fax: 508-240-1215                               | E-mail: schobro@capecod.net |

- 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:

Superceding Order of Conditions DEP File #SE19-1094

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 type="checkbox"/> Order of Conditions<br><input checked="" type="checkbox"/> Superseding Order of Conditions<br><input type="checkbox"/> Chapter 91 License<br><input type="checkbox"/> 401 Water Quality Certification<br><input type="checkbox"/> MHD or MDC Access Permit<br><input type="checkbox"/> Water Management Act Permit<br><input type="checkbox"/> New Source Approval<br><input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit<br><input type="checkbox"/> Other Permits<br><i>(including Legislative Approvals) – Specify:</i> |
| Total site acreage   | .665     |        |       |   |
| New acres of land altered                                      |          | .003   |       |   |
| Acres of impervious area                                       | N/A      | N/A    | N/A   |   |
| Square feet of new bordering vegetated wetlands alteration     |          | N/A    |       |   |
| Square feet of new other wetland alteration                    |          | .003   |       |   |
| Acres of new non-water dependent use of tidelands or waterways |          | N/A    |       |   |
| <b>STRUCTURES</b>  |          |        |       |   |
| Gross square footage   | N/A      | N/A    | N/A   |   |
| Number of housing units  | N/A      | N/A    | N/A   |   |
| Maximum height (in feet)                                       | N/A      | N/A    | N/A   |   |
| <b>TRANSPORTATION</b>  |          |        |       |   |
| Vehicle trips per day  | N/A      | N/A    | N/A   |   |
| Parking spaces   | N/A      | N/A    | N/A   |   |
| <b>WATER/WASTEWATER</b>  |          |        |       |   |
| 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 (See Attached Letter)

**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 (See Attached Letter)

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 29,000 square foot site is located at 15 Cliff Road in Eastham, Massachusetts. A single family seasonal dwelling exists on site with associated utilities, landscaping and driveway. Cliff Road bounds the property to the west and Town Cove bounds the property to the east.

A significant portion of subject lot is overlapped by the 100 foot buffer zone to a coastal bank associated with Town Cove. The coastal bank is on average 30-feet high and has an average slope of 70%. The coastal bank is densely vegetated and acts as a vertical storm buffer. The Limit of Land Subject to Coastal Storm Flowage is delineated by elevation eleven based upon Mean Sea Level Datum and falls upon the lower portion of the coastal bank as shown on the enclosed plan entitled "Plan of Land Showing Proposed Coastal Stairway and Landings in Eastham, Massachusetts". A minimal coastal beach exists at the bottom of the coastal bank and adjacent to a salt marsh bordering on Town Cove.

The project is the construction of an elevated stairway to provide formal access from the upland portion of the property to the bottom of the bank. Due to the steepness of the bank, the stairway is composed of three sections of stairs and two landings. The sections of the stairway shall follow the bank's profile as closely as possible. The stairway shall be a minimum of eighteen inches from the face of the slope. The stairway will not have risers and there shall be a minimum of 3/8 inch spacing between the deck planks on the landings to permit light penetration and encourage plant growth on the bank.

The reason for the project is to allow the property owner to easily and safely access his lowland property while protecting the integrity of the coastal bank as a vertical storm buffer. The Wetland Protection Act states in section 10.30(1): (Coastal Banks) that projects should, when appropriate, incorporate elevated walkways. We believe the property owner has an undisputed right to walk on his own property including treading on a coastal bank. The proposed stairway will minimize the potential for coastal bank erosion while allowing the property owner access to his property.

The Massachusetts Wetlands Protection Act states in section 10.30(8) that no project may be permitted which have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species. This project site does not fall within a specified habitat site of rare vertebrates or invertebrate species and therefore this performance standard has been met.

Alternatives to the stairway include the following:

Traverse the coastal bank on foot: The coastal bank is very steep. Continual foot traffic on the face of the bank will over time cause erosion of the bank by creating a footpath which could reduce the natural resistance of the bank to erosion due to wind and rain runoff.

Utilize a common landing to access the coastal beach: A common landing exists within the subdivision. Should the property owner use the common landing to access the beach and walk along the shoreline to access the portion of his property fronting Town Cove, he must trespass across other property to arrive at his own. It should be noted that the rights to use the common landing were not transferred to the property owner and as of yet, he has no legal access to the common landing. Furthermore, if the property owner does obtain the right to use the common landing, neither the Wetlands Protection Act nor the Eastham Wetlands Bylaw require that an applicant demonstrate that no other reasonable alternative for access exists offsite or that the proposed access maximizes the possibility of shared use of a stairway as a condition of approval or as a performance standard. Lastly, it is worth noting that continued pedestrian traffic between the proponent's property and the common landing has the potential to damage the salt marsh vegetation which lies in between by creating a footpath and potential loss of salt marsh vegetation.

The proposed coastal stairway is the ideal solution: allowing the property owner to access his low lying property and protecting the vertical integrity of the coastal bank and its ability to act as a vertical storm buffer.