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January 9, 2008

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

PROJECT NAME : Dutra Residence
PROJECT MUNICIPALITY : Truro
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 14149
PROJECT PROPONENT : David and Judith Dutra
DATE NOTICED IN MONITOR : December 10, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

The project consists of the redevelopment of a 19,708 square foot (sf) site at 587 Shore Road in Truro. The ENF contains a description of the project and a site plan for the proposed project. An existing single family house will be demolished and six two-bedroom cottages will be constructed on the site. The cottages will be designed as three-season units and will be serviced by a septic system consistent with Title 5. The site is located north of Shore Road and south of Route 6. It is located on a barrier beach (Beach Point) and within Land Subject to Coastal Storm Flowage (LSCSF). It contains a single family house, a garage, two paved driveways and a septic system. It is located adjacent to existing residences and commercial properties. An area of the project site may be located within Priority and Estimated Habitat of Rare Species.

Potential environmental impacts are associated with the alteration of 19,708 sf land, including barrier beach and LSCSF, and the creation of up to one acre of impervious surfaces. The ENF indicates that environmental impacts will be mitigated by constructing the cottages on

an open-pile foundation and raising them above flood elevations. The driveway and parking area will be constructed with pervious stone and will include two leaching catch basins for stormwater management. The project includes construction of a mounded septic system.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(a) because it requires a state permit and consists of alteration of a barrier beach. The project requires a Superseding Order of Conditions (SOC) from the Department of Environmental Protection (MassDEP).

Because the proponent is not seeking financial assistance from the Commonwealth, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. These include wetlands, drainage, water quality and rare species.

The Truro Conservation Commission issued an Order of Conditions denying the proposed project. This denial was appealed by the project proponent to MassDEP and therefore, the project requires an SOC from MassDEP. Comments from MassDEP indicate that, in previous correspondence, it identified information that should be included in the ENF filing including a description of project alternatives, analysis of impacts associated with each alternative and measures to avoid, minimize or mitigate impacts. As part of the SOC review, MassDEP indicated that the proponent should delineate the boundary of the vegetated wetland located between the property and Route 6 and should investigate whether the wetland is bordering or hydrologically connected to Pilgrim Lake or is an isolated wetland feature. The ENF does not contain an alternatives analysis or any additional information regarding the vegetated wetland. MassDEP has requested that a limited scope EIR be prepared to address this omission and ensure the proponent adequately avoids, minimizes and mitigates environmental impacts.

Comments from the Truro Conservation Commission identify concerns raised during the review of the project and recommend that an EIR be required. These comments also identify the need for an alternatives analysis. They express concern with the size of the proposed septic system and associated fill required to support it and the potential for contamination to East Harbor/Pilgrim Lake. In addition, comments from the Cape Cod Commission indicate that the cottages should be elevated at least one foot above Base Flood Elevation (BFE).

Based on a review of the ENF, consultation with state agencies and comments received, I am requiring the proponent to file a narrowly focused EIR to address the consistency of this project with the Wetlands Protection Act and the Coastal Wetland regulations. The scope of the EIR is limited to development of an alternatives analysis, identification of resource areas and development of measures necessary to avoid, minimize and mitigate environmental impacts.

SCOPE

General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should contain a copy

of this Certificate and a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

The EIR should include a thorough description of the proposed project and all project elements including any accessory structures, septic systems, grading and landscaping. The EIR should include existing conditions and proposed conditions plans at a reasonable scale. The EIR should describe each state permit required and demonstrate that the project meets applicable performance standards.

Planning for Growth

In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should also discuss the consistency of the project with any applicable local or regional land use plans, identify its consistency with this Administration's Sustainable Development Principles and address the requirements of Executive Order (EO) 385 Planning for Growth.

Alternatives Analysis

The EIR should analyze and compare environmental impacts associated with the following alternatives:

1. No-Build Alternative
2. Reduced Build Alternative
3. Preferred Alternative

The Reduced Build Alternative should be developed to ensure the project's consistency with the Coastal Wetland regulations address concerns identified by MassDEP in its comment letter. The EIR should document how each alternative minimizes short- and long-term impacts to the barrier beach and existing vegetation and, where feasible, enhances mitigation through the reduction or elimination of existing impervious surfaces, buildings and lawn areas. Each alternative should be analyzed for its consistency with the Coastal Wetlands regulations.

Wetlands/Coastal Resources

The EIR must analyze each alternative for its ability to meet the performance standards in the Coastal Wetlands regulations for barrier beach. To ensure adequate evaluation of the project's consistency with these performance standards, the EIR should include the following information:

- Detailed design plans at a reasonable scale including cross-sections of the proposed dwelling and septic system relative to the existing topography.

- Identification of existing impervious surfaces on the site and increased impervious area associated with each alternative.
- Documentation that the structures are designed and elevated sufficiently to support erosion and shifting during storm events.
- Delineation and classification of resources on and adjacent to the site, including the vegetated wetland area between the site and Route 6. It should identify whether the vegetated wetlands area is hydraulically connected to Pilgrim Lake.
- Documentation of existing vegetation and development of a restoration/planting plan.

The EIR should identify any rare species habitat located on the site. It should consult with the Department of Fish and Game's Natural Heritage and Endangered Species Program (NHESP) regarding whether the project should be filed for review.

Response to Comments

The EIR should contain a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below and to Truro officials. A copy of the EIR should be made available for public review at the Truro Public Library.

January 9, 2008
Date



Ian A. Bowles

Comments Received:

12/28/07	Department of Environmental Protection /Southeast Regional Office (MassDEP/ SERO)
12/20/07	Cape Cod Commission
12/26/07	Town of Truro
12/28/07	Truro Conservation Commission

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