



# *The Commonwealth of Massachusetts*

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February 22, 2007

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Hamblin Pond Access Rehabilitation  
PROJECT MUNICIPALITY : Mashpee  
PROJECT WATERSHED : Cape Cod  
EOEA NUMBER : 13950  
PROJECT PROPONENT : Town of Mashpee  
DATE NOTICED IN MONITOR : January 23, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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).

As described in the Environmental Notification Form (ENF), this project involves the construction of a pre-cast concrete structure on a coastal bank and upland area at Hamblin Pond. The project is located at the terminus of Riverside Road (a public way), within the road layout, between two abutting properties and their associated wooden or cement bulkheads. The project has been proposed to address a safety and liability issue for the Town due to the current condition of the project area, which includes broken up concrete and other debris on a relatively steep slope leading to the waters' edge. The project is intended to preserve access to Hamblin Pond; however, access will remain limited to fishing/shellfishing or pedestrian viewing for neighborhood use and no boat access will be constructed. The project will remove existing broken up pavement associated with the old boat ramp and right of way, and re-vegetate the area leading up to the pre-cast concrete structure. The structure will be tiered with steps and open vegetated areas within each tier to be planted with native species and to assist in stormwater management. The project is anticipated to impact approximately 500 square feet (sf) of Coastal Bank and 500 sf of Land Subject to Coastal Storm Flowage. Coastal Bank appears to be by

definition only under the Wetlands Protection Act, as it is comprised of broken pavement and does not appear to contribute sediment to the Pond. Additionally, the Division of Marine Fisheries has indicated that the project site abuts mapped shellfish habitat for quahogs (*Mercenaria mercenaria*).

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)(1)(a) because it requires a State permit and will involve the alteration of a Coastal Bank. The project requires a Chapter 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP). The project has also received an Order of Conditions from the Town of Mashpee (DEP File No. SE 43-2427); however this Order of Conditions has been appealed and therefore the Town must obtain a Superseding Order of Conditions from MassDEP. The project will require a consistency statement from the Office of Coastal Zone Management.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, 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. In this case, MEPA jurisdiction exists over Wetlands, Waterways and Tidelands.

The proponent will be required to demonstrate that reasonable measures have been taken to avoid, minimize, and mitigate any encroachment in a waterway pursuant to the Waterways Regulations, 310 CMR 9.32, Categorical Restrictions on Fill and Structures, as part of the Chapter 91 licensing process. MassDEP has noted that during the Chapter 91 licensing review, the proponent may be required to explore additional design alternatives to minimize filling of tidelands. I encourage the proponent to implement a design that reduces the introduction of impervious materials to the extent practicable and to use native plantings with the vegetated tiers of the structure.

The ENF contains sufficient information to understand the potential impacts of the project, and to demonstrate that the impacts of the project do not warrant the preparation of an EIR. The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required at this time.

February 22, 2007

Date



Ian A. Bowles

Comments received:

02/09/2007 Massachusetts Department of Environmental Protection – SERO  
02/12/2007 Division of Marine Fisheries  
02/12/2007 Cape Cod Commission

IAB/HSJ/hsj