



# *The Commonwealth of Massachusetts*

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February 24, 2005

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

PROJECT NAME : Single Family Residence  
PROJECT MUNICIPALITY : Newbury  
PROJECT WATERSHED : Merrimack River  
EOEA NUMBER : 13715  
PROJECT PROPONENT : Eugene M. Novak  
DATE NOTICED IN MONITOR : January 25, 2006

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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of construction of an approximately 676 square foot (sf) single family home and associated parking, decks and utilities on a 4,550 square foot (sf) parcel in Newbury. The residence will be serviced by municipal water and sewer.<sup>1</sup> The site is located on 12<sup>th</sup> Street in Plum Island, which is a barrier beach, within an existing residential neighborhood. The site is currently occupied by a trailer and a vegetated dune.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(a) because it requires a state permit and will alter 1,154 square feet (sf) of Coastal Dune and Barrier Beach. The project requires a Superseding Order of Conditions (SOC) from the Department of Environmental Protection (DEP). The proponent is not seeking financial assistance from the Commonwealth for the project, therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject

<sup>1</sup> The Utility Services to Plum Island Project (EOEA #12416) was reviewed by MEPA.

matter of required or potentially required state permits. These include wetlands and coastal resources.

Project impacts are associated with the alteration of Coastal Dune and Barrier Beach. To avoid, minimize and mitigate impacts the proponent has proposed to elevate the house on pilings, install snow fencing to limit the construction zone and impacts to resource areas and re-vegetate all disturbed areas after construction is complete.

DEP comments indicate that the above-referenced project already has undergone a significant wetlands review process. Initially, DEP issued a negative SOC and the proponent appealed this decision to the DEP Office of Administrative Appeals. To avoid litigation and meet the standards of the Wetlands Protection Act (WPA), the proponent revised its project plan to include the mitigation measures noted above.

The review of the ENF has served to adequately disclose the potential impacts and mitigation associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that the potential impacts of the project are not significant enough to warrant the preparation of an EIR. No further MEPA review is required.

February 24, 2006

Date



Stephen R. Pritchard

Comments received:

2/14/06      Department of Environmental Protection NERO

SRP/CDB/cdb