



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

March 10, 2006

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

PROJECT NAME : Burke Project
PROJECT MUNICIPALITY : Osterville
PROJECT WATERSHED : Nantucket Sound
EOEA NUMBER : 13721
PROJECT PROPONENT : Joseph H. Burke, Jr. & F. William Burke
DATE NOTICED IN MONITOR : February 8, 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.

As described in the Environmental Notification Form (ENF), the proposed project involves the construction of timber stairs down a coastal bank in order to safely access the beach. The timber stairs are three feet wide by approximately forty-five feet long with a 137 square feet (s.f) of footprint and 1.07 s.f. of actual displacement. The stairs will be located on the land across from 242 Sea View Avenue, Osterville (Barnstable).

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(a) of the MEPA regulations, because the project requires a Superseding Order of Conditions from the Department of Environmental Protection (DEP) and involves construction on a coastal bank. MEPA jurisdiction exists over issues related to the required state permit (land alteration and wetlands issues).

The project will greatly improve safe access to the beach. The proponent has also designed the project in a manner that generally minimizes impacts. However, I advise the proponent that the project must meet all the requirements for the Superseding Order permitting

process. DEP may require additional alternative information for the proposed project as part of the Superseding Order permitting process.

I conclude that no further MEPA review is required. I am confident that the remaining issues can be resolved during the permitting process. If the project design undergoes a material change as a result of requirements imposed by the state permitting agency (or for any other reason), the proponent should file a timely Notice of Project Change that addresses impacts and mitigation.

March 10, 2006

Date



Stephen R. Pritchard

Comments received:

02/28/06 Division of Marine Fisheries

03/06/06 Department of Environmental Protection, SERO

SRP/ACC/acc