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October 24, 2008

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

PROJECT NAME : Lot 22 Pico Beach Road, Single Family Dwelling
PROJECT MUNICIPALITY : Mattapoisett
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 14317
PROJECT PROPONENTS : Frank D'Orlando
DATE NOTICED IN MONITOR : September 24, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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).

The proposed project consists of construction of a thirty-foot by thirty-foot single-family home with a driveway and parking area, utilities and a cantilevered wooden deck. The proposed house is located on a coastal dune and will be elevated by twelve concrete pilings each supported by concrete-filled steel pipe casings. The project site is approximately 0.25 acres and is bisected by Pico Beach Road. The project includes a pervious parking area opposite the proposed house, outside of the coastal dune area, on the other side of Pico Beach Road. The project site is located within Land Subject to Coastal Storm Flowage (LSCSF). The proposed parking area is located within the buffer zone of Bordering Vegetated Wetland (BVW) and a Salt Marsh.

The ENF proposes underground utility infrastructure with connections to the municipal town water and sewer system. The proposed project includes a grinder pump basin with concrete pad and ballast in the dune and a series of sand-filled coir fiber mats on the coastal beach to extend the dune 13-feet in a seaward direction. The Federal Emergency Management Agency (FEMA) has mapped the seaward portion of the site as being within a Velocity Zone.

The ENF includes an alternative that is not located within coastal dune. The alternative is located in the same area proposed for parking. In this alternative, the house would be elevated and parking provided underneath. The ENF indicates that this alternative would result in 325 square feet of shading impacts to BVW and salt marsh. It is also located within Land Subject to Coastal Storm Flowage.

The project is undergoing environmental review pursuant to Section 11.03(3)(b)(1)(a) because it involves alteration of a coastal dune and requires a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The proposed project was denied by the Mattapoisett Conservation Commission on March 13, 2008 and has been appealed by the proponent. The project may be subject to Coastal Zone Management (CZM) federal consistency review, which requires that the project be found consistent with CZM's enforceable program policies.

The proponent is not seeking financial assistance from an agency of the Commonwealth. Therefore, MEPA jurisdiction is limited to the subject matter of state agency permits required with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to land and stormwater, wetlands, waterways and tidelands.

The Massachusetts Department of Environmental Protection (MassDEP) has indicated in its comment letter that the project will not be able to meet the performance standards for coastal dunes. These standards require that alterations of, or a structure on, coastal dunes shall have no adverse effects on various coastal dune functions or critical characteristics. The proposed dwelling and decking will cast a shadow on underlying vegetation, which is likely to lead to impacts to the vegetated cover of the dune. MassDEP also has concerns regarding the proposed grinder pump and associated structures which can interfere with dune movement, and the coir matting, which will affect the ability of waves to remove sand from the dunes during coastal storm events. CZM has also expressed concerns regarding the project because the coastal dune is likely to be significant to storm damage prevention and flood control. The proposed house could destabilize the dune and increase the potential for storm and flood damage.

Based on review of the ENF and comments received, and consultation with state agencies, I have determined that no further MEPA review is required for the project as proposed in the ENF. However, the proposed project does not appear to be permissible and if the proponent chooses to redesign the project to meet permitting requirements, a Notice of Change (NPC) must be filed in accordance with 301 CMR 11.10. If the proponent chooses to proceed with the alternative identified in the ENF, the proponent should resubmit the project to the Mattapoisett Conservation Commission for review and comment, and consult with the MEPA Office to determine whether a NPC will be required for the alternative.

October 24, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

10/07/08	Peter Waldron
10/07/08	Justin Kelleher
10/07/08	Dr. F. T. Moore
10/08/08	Division of Marine Fisheries
10/08/08	Evelyn Tuohey
10/09/08	Susan Brett
10/09/08	Linda Pierce
10/14/08	Department of Environmental Protection, Central Regional Office
10/14/08	Office of Coastal Zone Management

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