

<i>For Office Use Only</i> Executive Office of Environmental Affairs	
EOEA No.:	<u>13721</u>
MEPA Analyst:	<u>ANNE CANADAY</u>
Phone: 617-626-	<u>1035</u>

EN F Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: BURKE PROJECT: To construct timber stairs down a coastal bank to access beach		
Street: Land across from 242 Sea View Avenue		
Municipality: Osterville	Watershed: Nantucket Sound	
Universal Tranverse Mercator Coordinates: 4607523N 385307E	Latitude: 41 36'47"	Longitude: 70 22'35"
Estimated commencement date: May 2006	Estimated completion date: May 2006	
Approximate cost: \$6000.00	Status of project design: 100	%complete
Proponent: Joseph H. Burke, Jr. & F. William Burke		
Street: 21 Custom House Street, Suite 200		
Municipality: Boston	State: MA	Zip Code: 02210
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Peter Sullivan		
Firm/Agency: Sullivan Engineering Inc.	Street: 7 Parker Road, P O Box 659	
Municipality: Osterville	State: MA	Zip Code: 02655
Phone: 508-428-3344	Fax: 508-428-3115	E-mail: psullpe@aol.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No

Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No

Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
 a Single EIR? (see 301 CMR 11.06(B)) Yes No
 a Special Review Procedure? (see 301 CMR 11.09) Yes No
 a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): None

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: Order of Conditions from Town of Barnstable Conservation Commission approving the project file number SE3-4337 (copy attached)

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superseding Order of Conditions (<i>pending</i>) <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits (<i>including Legislative Approvals</i>) – Specify: _____ _____ _____ _____ _____
Total site acreage	1260 sf			
New acres of land altered		1.07sf		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	0	137sf	137sf	
Number of housing units	NA			
Maximum height (in feet)	NA			
TRANSPORTATION				
Vehicle trips per day	NA			
Parking spaces	NA			
WASTEWATER				
Gallons/day (GPD) of water use	NA			
GPD water withdrawal	NA			
GPD wastewater generation/ treatment	NA			
Length of water/sewer mains (in miles)	NA			

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The project site consists of an eight foot wide by one hundred and fifty-eight foot long strip of land across the street from the applicant's residence, and is the applicant's path to access the beach on Nantucket Sound. Both parcels of land are owned by the applicants. This strip of land is currently a historically mowed path for the first 113 feet, followed by 40 feet of coastal bank and then 5 feet of beach to MHW (Nantucket Sound). Approximately half of the coastal bank is armored with a stone revetment installed by the Commonwealth of Massachusetts, circa 1946. Numerous properties along Sea View Avenue have stairs down the coastal bank to access the beach. In fact, both abutting properties have stairs down the bank to access the beach below. The reason for filing this ENF is due to an abutter appeal of the Town of Barnstable's issuance of an Order of Conditions approving the project.

The proposed project consists of the construction of a set of timber stairs, three feet wide by approximately forty-five feet long, which will be built on a non-eroding coastal bank, in order to safely access the beach. The terminal three foot portion of the stairs will be hinged so that they can be pulled up seasonally to minimize any off-season storm effects. There are handrails proposed on both sides for safety reasons. The stairs will be constructed of non-CCA material and there will be no solid risers. Postholes over the vegetated portion of the bank will be dug by hand and over the stone revetment portion, concrete pads are proposed as needed to support the 4' x 6' posts. The exact stair placement will be field adjusted so as to avoid existing trees. The project will involve cutting, but not uprooting, one scrub pine that is 4.3" in diameter (measured 3 feet off the ground), and minor limb removal of other trees on the bank. The applicant has agreed to plant a replacement tree as mitigation. As the tree roots are being left intact, it is our opinion that no destabilization of the bank will occur.

The property owner presently traverses the bank using a rope, which is rigged to help him up and down the bank. As the bank is rather steep, the owner would like to construct a set a stairs so that they may safely traverse the bank.

It is our opinion, once constructed, the stairs will minimize the potential for erosion to the bank. At present and in the future, the constant foot traffic could cause a more detrimental effect to the resource than the proposed stairs. The stairs on both abutting properties affirm our position that stairs can be installed and maintained without negative impacts to the bank.

**SULLIVAN ENGINEERING INC.
7 PARKER ROAD/P O BOX 659
OSTERVILLE, MA 02655**

Peter Sullivan P. E. Mass Registration No. 29733

psullpe@aol.com

phone 508-428-3344

fax 508-428-3115

January 27, 2006

Secretary Stephen R. Pritchard
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
MEPA Office
251 Causeway Street, Suite 900
Boston, MA 02114-2119

RE: Land Across from 242 Sea View Avenue, Osterville, Mass.
DEP file number SE3-4377

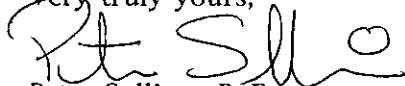
Dear Secretary Pritchard,

Please find enclosed two copies of the completed ENF (one with original signature), another copy of the first three pages of the ENF, and a copy of the legal ad that will be published in the Cape Cod Times newspaper on January 31, 2006.

One copy of the ENF has been mailed to all parties listed on the Distribution List.

If you have any questions or require additional information, please do not hesitate to contact my office.

Very truly yours,



Peter Sullivan P. E.
Sullivan Engineering Inc.

Cc: Joseph H. Burke, Jr.

RECEIVED

JAN 30 2006

MEPA

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

MEPA Office

100 Cambridge St., Suite 900
Boston, MA 02114
Telephone 617-626-1020

The following should be completed and submitted to a local newspaper:

PUBLIC NOTICE OF ENVIRONMENTAL REVIEW

PROJECT: BURKE PROJECT: To Construct Timber Stairs down a Coastal Bank to Access the Beach

LOCATION: Land across from 242 Sea View Avenue, Osterville, Mass.

PROPONENT: Joseph H. Burke, Jr. & F. William Burke

The undersigned is submitting an Environmental Notification Form ("ENF") to the Secretary of Environmental Affairs on or before January 31, 2006 (date)

This will initiate review of the above project pursuant to the Massachusetts Environmental Policy Act ("MEPA", M.G.L. c. 30, s.s. 61, 62 62H). Copies of the ENF may be obtained from:

Sullivan Engineering Inc.

7 Parker Road, P O Box 659

Osterville, MA 02655

Phone number 508-428-3344

(Name, address, phone number of proponent's agent)

Copies of the ENF are also being sent to the Conservation Commission and Planning Board of the Town of Barnstable (Municipality) where they may be inspected.

The Secretary of Environmental Affairs will publish notice of the ENF in the Environmental Monitor, will receive public comments on the project for 20 days, and will then decide, within ten days, if an environmental Impact Report is needed. A site visit and consultation session on the project may also be scheduled. All persons wishing to comment on the project, or to be notified of a site visit or consultation session, should write to the Secretary of Environmental Affairs, 100 Cambridge St., Suite 900, Boston, Massachusetts 02114, Attention: MEPA Office, referencing the above project.

By Peter Sullivan (Proponent's Agent)