

# ENF Environmental Notification Form

*For Office Use Only*  
 Executive Office of Environmental Affairs

EOEA No.: 14232  
 MEPA Analyst: Bill GAGE  
 Phone: 617-626-1025

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: Fisherman's Wharf, Provincetown, MA		
Street: 9 Ryder Street Ext.		
Municipality: Provincetown	Watershed: Provincetown Harbor	
Universal Transverse Mercator Coordinates:	Latitude: 042° 02' 51.7" N Longitude: 070° 10' 51.0" W	
Estimated commencement date:	Estimated completion date:	
Approximate cost:	Status of project design:	%complete
Proponent: Cabral Enterprises, Inc.		
Street: P.O. Box 1042		
Municipality: Provincetown	State: MA	Zip Code: 02657
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Beth Hays		
Firm/Agency: Woods Hole Group, Inc.	Street: 81 Technology Park Dr.	
Municipality: East Falmouth	State: MA	Zip Code: 02536
Phone: 508-495-6240	Fax: 508-540-1001	E-mail: bhays@whgrp.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(8))  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): N/A

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 to be filed, NPDES to be filed, Army Corps Permit Application No. NAE-2004-4013 filed, Coastal Zone Management Certificat filed.**

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

- |                                 |  |  |
|---------------------------------|--|--|
| <input type="checkbox"/> Land   | <input checked="" 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
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" 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) – Specify:</i>
Total site acreage	1.67±			
New acres of land altered		0		
Acres of impervious area	1.67±	0	1.67±	
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		0.71±		
<b>STRUCTURES</b>				
Gross square footage	71,384± Wharf	0	71,384± Wharf	
Number of housing units	0	0	0	
Maximum height (in feet)	25±	0	25±	
<b>TRANSPORTATION</b>				
Vehicle trips per day				
Parking spaces	186	(-73)	113	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	200±	0	200±	
GPD water withdrawal	200±	0	200±	
GPD wastewater generation/ treatment	200±	0	200±	
Length of water/sewer mains (in miles)	0.1±	0	0.1±	

**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 See NHESP Letter in Appendix C  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 The project is located within the Provincetown Historic District  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 involves the proposed change in use for a portion of an existing licensed wharf to non-water dependent use. Presently the existing wharf in Provincetown Harbor is licensed for water dependent use which includes activities that are associated with the water dependent use, such as parking. The proposed change in use would permit parking that is not directly associated with the water dependent use of the wharf.

The existing "associated" water dependent use parking accommodates approximately 186 parking spaces. The change in use would require compliance with the current 310 CMR 9.00 regulations which would reduce the number of parking spaces to approximately 113 parking spaces, and reducing the space allowed for parking and travel ways to no more than 50% of the wharf area, excluding buildings. The outcome of this project, if permitted, would therefore reduce and minimize the area allowed for travel way and parking.

Along with this project, stormwater management measures are included to capture and retain potential pollutants to the water below.

### Alternative Analysis

#### **Alternative 1 – Do nothing**

If nothing is done, accessory parking will continue, however, adjustments to accommodate the public accessibility and storm water improvements would not be accomplished.

#### **Alternative 2 – Ban parking on the wharf**

Both the town owned MacMillan Wharf and Fisherman's Wharf are located in the most congested area of Town, and adjacent to the overloaded municipal parking facility. Should parking be banned on the wharf, the fisherman would not be able to gain access for supplies and off loading of their vessels. The Town has recognized the need for accessory use parking and has included future municipal wharf projects to address the concern.

#### **Alternative 3 – Continue parking as now exists however include stormwater improvements**

This alternative would be the optimum alternative for both the wharf operation and would help alleviate the overload of parking that occurs during the summer in the downtown area. Under this alternative, the parking

density would remain at approximately 186 parking spaces. Stormwater improvements would be accomplished under this alternative in order to prevent what currently is direct discharge into the harbor.

**Alternative 4 – Preferred Alternative – Reduce the number of parking spaces to match the restrictions outlined in 310 CMR 9.51 thru 9.53, and include stormwater improvements.**

This alternative is thoroughly discussed in the Project Description found in Appendix A, and the Compliance Assessment found in Appendix B. Under this alternative, non-water dependent accessory parking will be permitted, thus alleviating the difficult policing problem. The total number of parking spaces would be reduced to approximately 113 due to the establishment of vehicle free zones, exclusive public access ways, and water dependent use zones. In this respect this alternative is preferred since a) it greatly enhances the accessibility to the public enjoyment of the waterway, and b) it eliminates the impossible to enforce policing that would be required if only water dependent accessory use parking were permitted.

Additionally, the alternative is preferred as it would address, and bring the wharf into compliance with stormwater management requirements with the installation of best management practice collection and filtering basins, along with the establishment of a stormwater management plan.