

Commonwealth of Massachusetts  
Executive Office of Environmental Affairs ■ MEPA Office

# ENF Environmental Notification Form

For Office Use Only Executive Office of Environmental Affairs	
EOEA No.:	<u>13787</u>
MEPA Analyst:	<u>BILL GAGLE</u>
Phone:	617-626- <u>1025</u>

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: MAHENDRAN PIER		
Street: 40 ORIE LANE		
Municipality: ORLEANS	Watershed: PLEASANT BAY	
Universal Transverse Mercator Coordinates:	Latitude: 41-46-19	Longitude: 69-57-14
Estimated commencement date: FALL 06	Estimated completion date: FALL 06	
Approximate cost: \$12,000.00	Status of project design: SEE NARRATIVE	
Proponent: DUSHY MAHENDRAN		
Street: 320 THOMPSON HILL ROAD		
Municipality: THOMPSON	State: CT	Zip Code: 06277
Name of Contact Person From Whom Copies of this ENF May Be Obtained: DAVID A. LYTTLE		
Firm: RYDER & WILCOX, INC.	Street: P.O. BOX 439	
Municipality: SOUTH ORLEANS	State: MA	Zip Code: 02662
Phone: 508-255-8312	Fax: 508-240-2306	E-mail: dal@ryder-wilcox.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): \_\_\_\_\_

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify: CH 91 WATERWAYS, A.C.O.E. & M.C.Z.M.)  No

List Local or Federal Permits and Approvals: ORDER OF COND., D.E.P. FILE NO. SE 054-1775

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

- Land
- Water
- Energy
- ACEC

- Rare Species
- Wastewater
- Air
- Regulations

- Wetlands, Waterways, & Tidelands
- Transportation
- Solid & Hazardous Waste
- 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 type="checkbox"/> Chapter 91 License <u>PENDING</u> <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 (including Legislative Approvals) – Specify: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> 
Total site acreage	0.7 ACRES			
New acres of land altered		0		
Acres of impervious area				
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		
<b>STRUCTURES</b>				
Gross square footage	298.6 S.F. RAMPS, PIER AND FLOATS			
Number of housing units				
Maximum height (in feet)				
<b>TRANSPORTATION</b>				
Vehicle trips per day				
Parking spaces				
<b>WASTEWATER</b>				
Gallons/day (GPD) of water use				
GPD water withdrawal				
GPD wastewater generation/ treatment				
Length of water/sewer mains (in miles)				

**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: PLEASANT BAY A.C.E.C.)  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.*)

PLEASE SEE PROJECT NARRATIVE

## Project Narrative

The subject pier has been in existence since the late 1940's. In 1995, during the Commonwealth Of Massachusetts Amnesty Period, Karl Peterson, the previous owner, obtained an Order of Conditions from the Orleans Conservation Commission with the intention of obtaining a Chapter 91 Waterways License for their existing pier in Pochet Inlet in Pleasant Bay (Ref. DEP File# SE-54-959). Mylar Plans were prepared, a Chapter 91 Waterways Application was completed but for some unknown reason nothing was ever submitted to the Commonwealth. I am enclosing copies of the original stamped and signed Mylars with this filing.

Since 1995 some changes occurred to the pier i.e.: steel pipes were changed to 4x4 posts and a float was added. I recently submitted a Notice of Intent to the Orleans Conservation Commission showing a proposed pier (after the fact) to obtain an Order of Conditions for the pier in its existing configuration.

At a hearing held on May 17, 2005, the Orleans Conservation Commission concluded that they could not issue an Order of Conditions for the existing configuration, as the Pleasant Bay Management Plan no longer allows piers in the part of Pleasant Bay. They did indicate that they might issue an Order of Conditions to rebuild the pier in its previously approved configuration if the DEP indicated in a letter that they would entertain a Chapter 91 Waterways application to license the structure.

Ultimately the Conservation Commission issued an Order of Conditions for the pier conditioning that it be rebuilt in its originally approved configuration as per DEP File # SE 54-959. (Please see enclosed letter from David E. Hill, Environmental Engineer, DEP Waterways Regulation Program.)

In Order to minimize adverse impacts the pier may have on the resource areas please note some of the conditions that have been placed on the pier:

- The pier is and will continue to be seasonal
- No boat shall be berthed at the dock at any time there is less than 1 foot of water between the bottom of the boat and the substrate (A mooring is maintained seaward of the pier).
- Float stops will be placed at all corners of the floats to ensure that the entire float does not rest on the bottom at any time.

The pier design as shown on the plans is smaller and more narrow than most of all the other piers in Pleasant Bay. The pier is comprised of a 2'x12.3' ramp attached to a 2'x53' pier supported by 1.5" galvanized pipe piles. Three 4'x12' floats are reached by 2'x12' ramp attached to the pier. This is the original configuration as approved in DEP File# SE 54-959 and proposed to be the new configuration as approved in DEP File # SE 54-1797.