

ENF

**Environmental
 Notification Form**

For Office Use Only
 Executive Office of Environmental Affairs
 EOEA No.: 13035
 MEPA Analyst: Nick ZAVOLAS
 Phone: 617-626-1030

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: Steven R. Kennie Waterfront access over a vegetated Coastal Bank		
Street: 10 Wheatfield Lane		
Municipality: West Dennis, Mass.	Watershed: Bass River	
Universal Transverse Mercator Coordinates:	Latitude: 41° 40' 22" N Longitude: 70° 10' 07" W	
Estimated commencement date: January, 04	Estimated completion date: January, 2004	
Approximate cost: \$40,000 (total project)	Status of project design: 100 %complete	
Proponent: Steven R. Kennie		
Street: 10 Wheatfield Lane		
Municipality: West Dennis	State: MA	Zip Code: 02670
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Joseph M. Forns, Sr. Scientist		
Firm/Agency: Applied Marine Ecology Lab	Street: 25 Greengate Road	
Municipality: Falmouth	State: MA	Zip Code: 02540
Phone: (508) 540-4544	Fax: (508) 540-6070	E-mail:

- 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 MA/DEP Wetlands & Waterways Regulation Program and US Army
 COE- Regulatory Branch No

List Local or Federal Permits and Approvals: Superseding Order of Conditions; Ch. 91 License; US Army COE General Permit

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 type="checkbox"/> Order of Conditions <input checked="" 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 (including Legislative Approvals) – Specify:
Total site acreage				
New acres of land altered				
Acres of impervious area	n/a	n/a	n/a	
Square feet of new bordering vegetated wetlands alteration		n/a		
Square feet of new other wetland alteration		144		
Acres of new non-water dependent use of tidelands or waterways		n/a		
STRUCTURES				
Gross square footage	0	144	144	
Number of housing units	1	0	1	
Maximum height (in feet)	n/a	+8 ft (MLW)	+8 ft (MLW)	
TRANSPORTATION				
Vehicle trips per day (residence)	n/a	n/a	n/a	
Parking spaces	n/a	n/a	n/a	
WATER/WASTEWATER				
Gallons/day (GPD) of water use (residence)	n/a	n/a	n/a	
GPD water withdrawal	n/a	n/a	n/a	
GPD wastewater generation/treatment	n/a	n/a	n/a	
Length of water/sewer mains (in miles)	n/a	n/a	n/a	

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:

(a) Site Description

The proponent, Steven R. Kennie, has an existing authorized seasonal float system that is moored and used to dock a recreational power boat near Grand Cove area of Bass River in the Town of Dennis, Mass. He has applied to construct, retain and maintain an aluminum gangway (36' x 4') extending over a Coastal Bank, the subject of this ENF filing; a three-bent, pile supported aluminum gangway pier (82' x 4') extending over Salt Marsh, Coastal Beach and Land Under Ocean with accompanying aluminum ramp (24' x 4') extending to the existing float system. The gangway pier system will be suspended approximately 5-ft. above any resource areas at elevation +8.3' MLW. The initial shore side pile bent will be located at the base of the Coastal Bank, above MHW, the second bent will be within unvegetated Coastal Beach and the outward bent will be in unvegetated Land Under Ocean. Piles will be epoxy-coated steel, non-leaching polycarbonate or "greenheart" timber. The existing float system is moored with Sea-Flex cords to cross helix anchors under each end of the floats. Water depth at the float system is -3.5' MLW.

The project, as proposed was denied by the Dennis Conservation Commission (DEP File No. SE 16-1460) on December 6, 2002 and appealed to the MA/DEP for a Superseding Order of Conditions. It should be noted that the Commission found no findings of adverse impacts to the Coastal Bank resource area in their Denial Order. However, the project does involve a minor "alteration of a coastal bank resource area" and the proponent was instructed to file an ENF under 301 CMR 11.03(3) (b) a. For the purposes of this ENF review, all resource areas have been identified and described in order to evaluate the proposed project as it may affect regulations and policies contained in the Mass. Wetlands Protection Act (MWPA); (MGL c. 131 §40), Mass. Wetlands & Waterways Regulation Program (310 CMR 9.11), US Army COE- Massachusetts Programmatic General Permit (33 CFR Part 325.5 (c) (3) and the Dennis Wetlands Bylaw (DWB); (Article XV, amended 10-23-00), Dennis Conservation Commission Rules and Regulations (1-31-89) including Section 2- Performance Standards and Rules and Regulations Governing Walkways, Docks and Piers.

Resource areas evaluated included the following:

Coastal Bank	310 CMR §10.30
Salt Marsh	310 CMR §10.32
Coastal Beach	310 CMR §10.29
Land Under Ocean	310 CMR §10.25
Land Containing Shellfish	310 CMR §10.34

Two plans describe the site. SP-1 shows the overall property located within the wetlands and delineates individual resource areas with the existing float and proposed structures. SP-2 provides resource area detail for the immediate vicinity of the existing and proposed structures.

Coastal Bank (310 CMR §10.30)

The proponent's total area of Coastal Bank occupies 7,440 ft² of his residential premises. The proposed gangway ramp will traverse 36 linear feet at a width of 4 feet. As this walkway ramp will be suspended over the existing vegetated cover of the bank, the 144 ft² area is approximately 1.9% of the entire coastal bank resource area and will have no significant impact on this resource area. Presently, this is a stable and vegetated coastal bank that provides protection from storm damage and is not a significant source of sand to nearby coastal beaches. Using the proposed elevated ramp way for pedestrian passage will protect the bank from future scour and potential erosion. Other than the minimal area (< 2 ft²) for pile supports, the proposed design provides no barriers to natural coastal processes. Once completed, there will be no disturbance to this coastal bank resource area.

Assuming a presumption of significance to storm damage prevention, this coastal bank provides a vertical buffer, Sec. 10.30(6) applies. The proposed design having only 2- 12" diameter pile and a suspended gangway access ramp will not impact the stability of the bank. As this vegetated bank is not a source of sediments to coastal beaches, Sec. 10.30 (3-5) do not apply.

Salt Marsh (310 CMR §10.32)

The total area of Salt Marsh occupies 21,358 ft² of the proponent's premises. The initial section of the proposed gangway pier will traverse 46 linear feet at a width of 4 feet. This structure will be suspended approximately 5 ft. above the marsh and there are no pile supports in the marsh. The 184 ft² over the marsh represents 0.8% of this resource area. Historically, elevated walkways such as the one proposed have no significant impact on the underlying salt marsh structure and function. At this location, there are healthy bands of *S. alterniflora* along the seaward side and *S. patens* extending landward to the coastal bank. With regard to interests of the MWPA and DWB, the structure as proposed will not adversely impact any marine fisheries, wildlife habitat or shellfish resources. Two shellfish surveys at and near the proposed location found no significant numbers of shellfish within the immediate salt marsh habitat. A minimal number of oysters (< 0.05/ ft²) were observed along the seaward edge of the marsh. The proposed elevated gangway pier will not adversely affect growth, composition or distribution of shellfish in this portion of salt marsh area. Further, as there are no piles within the salt marsh, there will be no measurable change to flow or level of tidal flushing or changes in groundwater conditions.

Assuming a presumption of significance to the protection of marine fisheries, pollution prevention and storm damage prevention Sec. 10.32 3-5 may apply. The proposed elevated walkway