

ENF Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>13813</u>
MEPA Analyst:	<u>Orindee Buckley</u>
Phone:	617-626- <u>1044</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: Silva Property		
Street: 73 Pine Tree Drive		
Municipality: Hamilton	Watershed: Ipswich River	
Universal Transverse Mercator Coordinates:	Latitude: 42.61844 Longitude: 70.89716	
Estimated commencement date: 03/03/98	Estimated completion date: July 2006	
Approximate cost: NA	Status of project design: 100% complete	
Proponent: Town of Hamilton		
Street: 577 Bay Road		
Municipality: Hamilton	State: MA	Zip Code: 01936
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Allison Jenkins		
Firm/Agency: Administrator's Office	Street: 577 Bay Road	
Municipality: Hamilton	State: MA	Zip Code: 01936
Phone: 978-468-5599	Fax: 978-468-2682	E-mail: ajenkins@hamiltonma.gov

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): None

Are you requesting coordinated review with any other federal, state, regional, or local agency?

Yes (Specify DEP _____) No

List Local or Federal Permits and Approvals: DEP Approval of Sale of water Supply per ch. 40 Sec 15B.

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

- X 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
LAND				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <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 checked="" type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: <u>See project description for listing</u> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Total site acreage	61.9			
New acres of land altered		.1		
Acres of impervious area	61.9	0	61.9	
Square feet of new bordering vegetated wetlands alteration		2,207		
Square feet of new other wetland alteration		NA		
Acres of new non-water dependent use of tidelands or waterways		NA		
STRUCTURES				
Gross square footage	NA	NA	NA	
Number of housing units	NA	NA	NA	
Maximum height (in feet)	NA	NA	NA	
TRANSPORTATION				
Vehicle trips per day	NA	NA	NA	
Parking spaces	NA	NA	NA	
WASTEWATER				
Gallons/day (GPD) of water use	NA	NA	NA	
GPD water withdrawal	NA	NA	NA	
GPD wastewater generation/ treatment	NA	NA	NA	
Length of water/sewer mains (in miles)	NA	NA	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 _____) X 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 _____) X No

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

Yes (Specify _____) X No

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

Yes (Specify _____) X 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.*)

I am submitting the enclosed ENF and supporting documents (see Appendixes) in the hope of receiving approval to transfer 2,207 square feet of land from the Town of Hamilton to James J. and Elizabeth Silva.

The Silva's, who live at 73 Pine Street Drive in Hamilton, bought their property in 1997 from Mr. Silva's father. During a survey of the property, in 1998 to refinance, it became apparent that a portion of their pool and patio had been on and still is on Town property for 30+ years.

In 1998, the Silva requested to purchase the property from the Town.

The Town then determined that the property was former Audubon property, now owned by the Town with conservation restrictions. In addition, the affected property (2,207 sq. ft.) is part of the Town owned land (61.9 acres) where our water treatment plant is located.

Because this was a pre-existing condition, long before the conservation restrictions, water use and the size of the property involved, we are requesting approval to be able to transfer the property to the Silva's.

The Director of Public Works for Hamilton, states that the requested strip of land (12.6 ft wide by 178.12 feet) along the Silva's lot line, can be conveyed to the Silva's without any effect on the water supply functions on the remaining (61+ acres) of Town property. Furthermore, that strip of land will still be subject to the conservation restriction (which prohibits any use or construction on the land other than what is there today (which is a corner of a pool, patio and fence)).

The Town has already received approval from the following:

05/07/03 -- At Town Meeting, the Town authorized the Selectmen to petition the Legislature to allow the release of Town-Owned Land off Pine Tree Drive. (See Attached Appendix A)

07/28/04 -- The State Legislature approved and Governor Romney signed the Town's Home Rule Petition, allowing the transfer of land located at the Water Plant on Pine Tree Drive to the abutters James J. and Elizabeth Silva. (See Attached Appendix B)

09/30/04 -- A legal notice appeared in Hamilton Wenham Chronicle newspaper naming a public Hearing that would be held on October 4, 2004 to release a conservation restriction. (See Attached Appendix C)

10/04/04 -- The Board of Selectmen of Hamilton approved to accept and approve the Partial Release of Conservation Restriction and Access Easement. (See Attached Appendix D)

10/04/04 -- The Massachusetts Audubon Society, Inc. approved the Partial Release of the Conservation Restriction and Access Easement. (See Attached Appendix E)

11/18/04 -- The Town of Hamilton Conservation Commission unanimously voted to approve the Partial Release of the Conservation Restriction and Access Easement. (See Attached Appendix F)

12/01/04 -- The Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts certifies the Partial Release of Conservation Restriction and Access Easement. (See Attached Appendix G)

Additionally, the town has previously corresponded with the DEP.
Correspondence with the DEP:

12/15/00 -- Letter from the DEP stating we needed to submit a copy of the deed, a copy of the conservation restriction and a completed BRP WS 06-31 (See Attached Appendix H).

11/03/01 -- Letter to the DEP enclosing a copy of the deed, a copy of the conservation restriction and a completed BRP WS 06-31 (See Attached Appendix I).

03/05/02 -- Letter from the DEP stating we now needed MEPA approval and Legislative Approval (See Attached Appendix J).

Additionally, the Town has been working with and will continue to work with the Planning Board regarding this transfer.