

ENF Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>13066</u>
MEPA Analyst:	<u>DEIRDRE 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: Arey's Pond Boat Yard Proposed to License & Maintain Existing Marina with Proposed Zone of Reconfiguration		
Street: 43 Arey's Lane		
Municipality: Orleans	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates:	Latitude: 041° 45' 32" N Longitude: 069° 58' 49" W	
Estimated commencement date: Existing N/A	Estimated completion date: Existing N/A	
Approximate cost: N/A	Status of project design: 100 %complete	
Proponent: Arey's Pond Boat Yard Nominee Trust, G. Anthony Davis, Trustee		
Street: PO Box 222		
Municipality: South Orleans	State: MA	Zip Code: 02662
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Beth E. Hays		
Firm/Agency: Coastal Engineering Co., Inc.	Street: 260 Cranberry Hwy	
Municipality: Orleans	State: MA	Zip Code: 02653
Phone: 508-255-6511 Ext 553	Fax: 508-255-6700	E-mail: bhays@ceccapecod.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 301CMR 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: Local Order of Conditions-Project #03N24; Negative Determination of Applicability

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 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 checked="" 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 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	4.61+/-			
New acres of land altered		0		
Acres of impervious area	.25+/-	0	.25+/-	
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	5450+/-	0	5450+/-	
Number of housing units	0	0	0	
Maximum height (in feet)	30' +/-	0	30'+/-	
TRANSPORTATION				
Vehicle trips per day	60+/-	0	60+/-	
Parking spaces	40+/-	0	40+/-	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	312+/-	0	312+/-	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	312+/-	0	312+/-	
Length of water/sewer mains (in miles)	.09/0+/-	0	.09/0+/-	

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 (Pleasant Bay) 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 Arey's Pond Boat Yard is located in a Salt Pond, Arey's Pond, within the Pleasant Bay body of water in Orleans, MA. The Boat Yard has been operating in it's current location since the early 1960's. Except for the Boat Yard which is a commercial operation, the Pond is surrounded by private residences. The Pond has traditionally served as a mooring basin for sailboats and some motorized vessels within the Town controlled mooring field for individual moorings. The Boat Yard is one of the very few boat yards which strictly services sailing vessels, as opposed to motorized vessels. No changes, or modifications are proposed at the facility under this application. The Arey's Pond Boat Yard is applying for an update to their Chapter 91 Licenses to cover their existing configuration, and to establish a modest Zone of Reconfiguration. Since Arey's Pond is within the Pleasant Bay Area of Critical Environmental Concern an Environmental Notification Form must be filed, prior to the issuance of a Chapter 91 License.

The Arey's Pond Boat Yard has been issued two valid Chapter 91 Licenses, License Nos. DPW 4265, and DPW 4439. These Licenses include the existing westerly boat ramp, bulkhead, and piers and floats (although not in the current configuration). The total length of the licensed piers under DPW License 4265 is 102 linear feet. The total length of the license piers under DPW License 4439 is 208 linear feet (60 linear feet being redundant under DPW License 4265). The total length of licensed piers and floats is therefore 250 linear feet.

The existing configuration includes two boat ramps. The westerly boat ramp and the bulkhead are shown on DPW License 4439. The easterly boat ramp was constructed in the mid-1960's, at the same time of the construction of the bulkhead. No change has occurred to either the bulkhead or boat ramps since that time.

The existing float configuration has a total of 280 linear feet of pier and float length, which represent an increase of 30 linear feet from the issued licenses. However, the current configuration diminishes the total usage of the piers. DPW license 4439 allowed for slip and docking of sixteen vessels.

The existing configuration is not configured for vessel slip docking, but rather transient, maintenance docking and safe harbor docking for vessels in distress awaiting reparations to re-establish seaworthiness. Additionally, the northerly float section, Pier 2, as shown on the project plans, 69' in length, does not accommodate vessel docking, but rather serves exclusively as a dinghy dock for the mooring field. The conversion of that float section to a dinghy dock resolved and mitigated the adverse situation, which had previously existed which required the placement of the dinghies on the adjoining salt marsh. This utilization and configuration of the float system for dingy docking mitigates

a significant adverse impact that may otherwise occur to the salt marsh system.

The current configuration accommodates docking of a maximum 10 to 14 vessels, depending on length of vessels. This docking arrangement is for boats berthed alongside the floats, as opposed to a slip configuration, as is indicated under License 4439. However, it must be pointed out that the configuration which would allow the maximum number of vessels would include docking of vessels immediately on either side the boat launching ramp (i.e., between Pier 1 and Pier 2 on the project plan). Utilization of the available docking space alongside the boat launching ramp would prohibit the use of the boat launching ramp. Therefore, this area, which could accommodate a total of six vessels, can only be used as a courtesy float, for transient docking or for service of vessels.

Pier 1 serves as a boatyard service float. This seasonal pier is restricted to boatyard employees access only. The exception is that the outside westerly end of the float serves as the landing area for the sailing school, during that season. It is important to note the benefit to safety issues addressed with the utilization of Pier 1. Arey's Pond Boat Yard is primarily a sailing boatyard, as opposed to a motorized vessel boatyard. Maintenance and repairs of an in-water sailing vessel includes movement and placements of spars, lines, riggings, etc. A maintenance dock, separate and exclusive of the public is mandatory for maintaining safe operation.

The 10' x 20' float on the nearshore of Pier 2 serves as a service float for the Boat Yard operation, i.e., for stepping and unstepping of spars (masts), and not vessel docking.

This filing also proposes the incorporation of a "Zone of Reconfiguration" to be included in the Chapter 91 License and the Army Corps of Engineers Permit. This "Zone of Reconfiguration" is recommended by both the DEP and the Army Corps of Engineers for Marinas since frequent adjustments to configurations have been acknowledged by those agencies as an operational necessity. The "Zone of Reconfiguration" would permit the Marina to make float location adjustments within a delineated "Zone", provided that no increase in float area is involved.

The proposed "Zone of Reconfiguration" is within the licensed and permitted marina "area" as identified in DPW Licenses 4265 and 4439 (see permitted dredge area and float configurations).

This project includes no proposed work, and involves only the permitting of the existing structures, and a Chapter 91 License that reflects the current configuration.

The Arey's Pond Boat Yard is within the licensed area of the Boat Yard (area as defined by permitted dredge area). The operation and continued use and operation of the Boat Yard does not and will not adversely impact the resource areas within the area, or adjacent resource areas. The current configuration, particularly the use of the 69' floating dock as a dinghy tie-up, eliminates damage to adjacent resource areas, especially the salt marsh, and provides a safe, environmentally sound and functional utilization of the marina structures without consideration for maximizing marina revenues.

The Arey's Pond Boat Yard, in its current configuration, meets the performance standards and spirit of the Wetlands Protection Act, DEP Wetlands Regulations, DEP Waterways Regulations, Army Corps of Engineer Regulations, the Town of Orleans Code and Wetlands Regulations, and the Pleasant Bay Resource Management Plan for recreational use of the community waterways.