

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs

EOEA No.: 13652
MEPA Analyst: DEIRDE BURKLEY
Phone: 617-626- 1044

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: Baxter's Boat House		
Street: 177 Pleasant Street		
Municipality: Barnstable (Hyannis)	Watershed: Hyannis Inner Harbor	
Universal Transverse Mercator Coordinates: UTM: 4611500N 393480E	Latitude: 41 39'00" Longitude: 70 16' 43"	
Estimated commencement date: April 2006	Estimated completion date: May 1, 2006	
Approximate cost: \$30,000.00	Status of project design: 100%complete	
Proponent: Samuel T. Baxter, Trustee		
Street: 177 Pleasant Street		
Municipality: Barnstable (Hyannis)	State: MA	Zip Code: 02601
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Peter Sullivan, P. E.		
Firm/Agency: Sullivan Engineering Inc.	Street: 7 Parker Road, P. O. Box 659	
Municipality: Osterville	State: MA	Zip Code: 02655
Phone: 508-428-3344	Fax: 508-428-3115	E-mail: psullpe@aol.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))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Special Review Procedure? (see 301CMR 11.09)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Phase I Waiver? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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 _____) No

List Local or Federal Permits and Approvals: Town of Barnstable Conservation Commission file numb SE3-4328. The project has been filed with Chapter 91 Waterways and also with the US Army Corps of Engineers.

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 type="checkbox"/> Superseding Order of Conditions <i>SE3-4328</i> <input checked="" type="checkbox"/> Chapter 91 License is pending <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 <i>(including Legislative Approvals) – Specify:</i> <u>US Army Permit pending</u> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Total site acreage	0.45			
New acres of land altered				
Acres of impervious area	0.45		0.45	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		17 SF		
Acres of new non-water dependent use of tidelands or waterways		.022		
STRUCTURES				
Gross square footage	3975	0	3975	
Number of housing units	0	0	0	
Maximum height (in feet)	Less than 30'			
TRANSPORTATION				
Vehicle trips per day	125	0	125	
Parking spaces	74	0	74	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	1990	0	1990	
GPD water withdrawal	NA			
GPD wastewater generation/treatment	NA			
Length of water/sewer mains (in miles)	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 _____) 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: 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 site is an approximately half acre parcel on the waterfront in Hyannis Inner Harbor. The Baxter family has been at this site since 1919 when it was purchased by Benjamin D. Baxter and Elizabeth Baxter and was used primarily for offloading and packing fish from local and transient fishing vessels as well as for restocking boats with ice and supplies and packaging and delivering fish to the Boston fish markets and other retailers. In the 1930's Benjamin D. Baxter Jr. started a trucking company at the Pleasant Street property and shipped goods from here. The fish and chips storefront restaurant was opened at this location in 1957 and on July 4, 1967 they opened Baxter's Boathouse Club and it has operated continuously at that location since that time. As of today, the operation is still built entirely over the water and customers can still tie up in their boats and have lunch or dinner. There is also a commercial dock where tourists and sightseers can watch the charter boats and commercial fishing boats unload their daily catch.

The project proposes to permanently remove the berthed vessel the Govenor Brann from its present slip location at Baxter's Boat House. The Govenor Brann is presently used for outdoor dining by Baxter's and will be replaced by a pile supported timber deck. The existing floats associated with the Boat House operation will be rearranged and supplemented with some additional floats. A 3 foot wide pile supported timber walkway will be added along the seaward face of the existing building for maintenance of the structure and for public access.

The net footprint reduction is approximately 1160 sf and the net bottom area reclaimed by elimination of the slip is approximately 1740 sf.

As an alternative, the project could be accomplished by substituting another barge for the Govenor Brann in the same boat slip. However, the Harbormaster and Waterways Committee of the Town of Barnstable, boat line operators and fishing boat operators who make use of this busy harbor, all prefer the proposed solution.

The project as proposed is not a detriment to any interests of the public in the waterway since it reduces the use of the waterway and opens up the harbor which is favored by the Harbormaster and Waterways Committee of the town. By removing the barge and placing the proposed pier further inland, the harbor watersheet is increased.

Again, the Baxter family has been at this site since 1919 and the shorefront restaurant was opened in 1957 and has operated continuously ever since. All other structures now existing have CH-91 licenses, as was a proposed pier which was licensed but never built in the location. Since the properties were licensed and operated, they qualified for grandfathering but the petitioners were not aware of the requirements that further action was needed nor of the time frames required for such filings. This application seeks to secure a license for the continued operation of Baxter's Boathouse at this site.

The proposed solution as described in the project scope reduces the use of the water sheet by over 1000 square feet.