



**Environmental  
 Notification Form**

*For Office Use Only*  
 Executive Office of Environmental Affairs

EOEA No: 14365  
 MEPA Analyst: Holly Johnson  
 Phone: 617-626-1023

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: Dredge and Marina Construction within Maraspin Creek		
Street: Freezer Road		
Municipality: Barnstable	Watershed: Barnstable Harbor	
Universal Tranverse Mercator Coordinates:	Latitude: 41° 42' 25.23" Longitude: -70° 18' 1.97"	
Estimated commencement date: Oct 15/2010	Estimated completion date: June 2012	
Approximate cost: 1 to 1.2 Million	Status of project design: New 50%complete	
Proponent: The Bornstein Companies		
Street: 297 North Street		
Municipality: Hyannis	State: MA	Zip Code: 02601
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Norman W Hayes		
Firm/Agency: BSC Group, Inc.	Street: 349 Main Street, Unit D	
Municipality: West Yarmouth	State: MA	Zip Code: 02673
Phone: 508-778-8919	Fax: 508-778-8966	E-mail: nhayes@bscgroup.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. 8377 & 13408)  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: Barnstable Conservation Commission-Order of Conditions  
DEP Waterways Permit, DEP 401 Water Quality Certification, USACOE – Category II PGP, Massachusetts  
Coastal Zone Management – Federal Consistency Review (concurrence) Cape Cod Commission Review  
(jurisdictional only)

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
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" 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:
Total site acreage	7.0 +/-	-0-	-0-	
New acres of land altered				
Acres of impervious area	.6	.57	.03	
Square feet of new bordering vegetated wetlands alteration		-0-		
Square feet of new other wetland alteration		30,000		
Acres of new non-water dependent use of tidelands or waterways		-0-		
<b>STRUCTURES</b>				USACOE PGPCAT II  CZM Consistency Review should USACOE Individual Permit be required  <b>NOTE:</b> This is a Marine Redevelopment Project to clean a degraded coastal environment, dredge and build a Marina and improve navigation in Barnstable Harbor
Gross square footage	22,000	20,800	-1,200	
Number of housing units	2	1	-1	
Maximum height (in feet)	32	22	-10	
<b>TRANSPORTATION</b>				
Vehicle trips per day	100	150	250	
Parking spaces	20	68	88	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	1340		800	
GPD water withdrawal				
GPD wastewater generation/ treatment	Town Sewer			
Length of water/sewer mains (in miles)	.02		.02	

**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: Sandy Neck Barrier Beach Area of Critical Environmental Concern)  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.)

See Attachment #3

## **PROJECT DESCRIPTION**

The Freezer Point Maintenance Dredging and Marina Development within Barnstable Harbor and Maraspin Creek (the Project) involves dredging of 10,000 cubic yards of material from the western portion of Barnstable Harbor north to the limit of Sandy Neck Barrier Beach Area of Critical Environmental Concern (ACEC) with dredge material disposal to be used as fill on Freezer Point and to create a coastal dune scape to enhance wildlife habitat, a portion of which is in the ACEC. The entire site is classified as man-altered deposits (Udipsamments) or in this case dredge spoil deposits in the Barnstable County Soil Classification Survey.

The Freezer Point redevelopment project involves the creation of a 50-slip marina and maintenance dredging within Barnstable Harbor. A total of approximately 10,000 cubic yards (cyds) of dredge material is proposed to be dredged to an average depth of -5 Mean Low Water (MLW) within the harbor west of the existing navigation channel and north to the limit of the Sandy Neck Barrier Beach (ACEC). No dredging will be done within the ACEC.

In order to provide space for the 50-slip marina, the existing Freezer Wharf with piles will be removed and the rough stone riprap stabilizing the upland along the MHW line rebuilt and reinforced with vertical sheet pile at its toe and backfilled. No vertical bulkhead is proposed within the ACEC. The existing revetment is licensed by Waterways Chapter 91 License # 11070 and DEP Jurisdictional Determination (JD 97-001), which verify the historic MHW line at the Locus. Dredging will be by crane with dragline bucket or clamshell dredge with scow and tug. Disposal of dredge material will be onsite, which is consistent with past dredge spoil disposal activities on site.

Dewatering or settling basins will be constructed west of the existing wharf, which will have been removed along with a portion of the concrete slab, which formed the foundation for the freezer. This area will serve as a section of the dewatering basin. The excavated material will be used to create the lateral and internal cofferdams, which will allow sand to precipitate out of the water column. Water would then pass out to a third settling basin reinforced with revetment stone excavated from the harbor before passing back into the harbor at the location of the old marine railroad, which will serve as the final containment section closed off with silt booms.

After dewatering the material will be used to fill in the excavations, grade the site on a 10:1 slope to the 35 foot buffer to the coastal bank and within the area of historic MHW. Approximately 7,500 cyds is allotted to this task with the remaining 2,500 cyds to be placed within the ACEC to create a coastal dune scape in the interest of enhancing wildlife habitat over 15,000 square feet. Invasives will be removed, the area cleaned of marine debris, the area graded and planted to a dune scape. Any silts not used onsite will be disposed on at a Massachusetts Licensed Landfill or beneficial use determination site.

Massachusetts DEP Waterways regulations 310 CMR 9.00 (9.40(1)(B)) regulate the placement of beach nourishment and dune stabilization with vegetative cover along with enhancement of fishing and wildlife resources as permitted activities in an ACEC. Under the regulations governing the issue of Water Quality Certifications (310 CMR 9.07(1)(1)) control of nuisance vegetation, in this case Phragmites, to improve wildlife habitat is also an authorized activity regulated by the Department through the issue of a Shoreline Placement and Upland Material Disposal Permit (UMDP).

After completion of the dredging project the existing concrete foundation, slab, concrete and bricks will be pulverized and mixed with the dredge material and used as fill on site to support parking coincidental to the proposed marina operations, which will include a 1,200 square foot two story Nantucket style water dependent retail marine supply store, boat lift and gas dock.

Most of these activities are seaward of the historic MHW line and partially within the footprint of the existing wooden framed warehouse to be removed, (DEP JD- 97-001). Landward of the historic MHW line will be parking for up to 88 vehicles, parking will be primarily within the footprint of existing parking. Access will be from Freezer Road.

Barnstable Harbor and Maraspin Creek have been previously dredged on numerous occasions and are currently scheduled to be maintenance dredged by the Town of Barnstable in late 2008 and or early 2009 (EOEA 13408) with beach nourishment at Blish Point (10,000 cyds). In 2005, the Town of Barnstable maintenance dredged 5,000 cyds out of the outer channel with beach nourishment on Millway Beach in Barnstable. Previously the Town had maintenance dredged 15,000 cyds from Maraspin Creek with local beach nourishment (1990), EOEA #8377). Borings conducted previously at Freezer Point coupled with laboratory analysis identify prior dredge spoil disposal on the point from earlier dredging events.

In addition to the continuous maintenance dredging, numerous other licenses have been issued to Marine Services Operations located in Barnstable Harbor. A sampling of these would include:

- Waterways License #7064 – Barnstable Marine Services Inc. for stone revetment floats, piles, and dredging with an earlier License #3957.
- Waterways License #9437, # 2368, and #3957 – Barnstable Marine Services Inc, for public access, finger piers, piles, and floats.
- Waterways License # 11070 – maintain easement, maintain existing stone revetment and wharf with the removal of the existing freezer and marine railroad issued to Stuart Bornstein.

#### **PROJECT SUMMARY**

1. Approximately 10,000 cyds of sand, stone, and marine debris coincidental with previous Freezer Marine operations will be maintenance dredged to -5 MLW from the western portion of Barnstable Harbor and Maraspin Creek. After dewatering the dredge spoil will be used as fill to regrade the site, fill behind the eroded bulkhead, and to create public access. Within the ACEC 2500 cubic yards of dredge material will be used to create a dune scape to enhance wildlife habitat.
2. Prior to final disposal the dredge spoils will be screened to remove marine debris and the dredge spoil stockpiled for shoreline placement and upland material use. The area within the ACEC proposed for the creation of wildlife habitat enhancement will be cleaned of commercial marine debris and the invasive species removed prior to the creation of the dune scape. The dune scape will vary between elevation 13 and 18 and will be vegetated with dune species indigenous to the Sandy Neck Barrier Beach ACEC.
3. Upon completion of dredging, dredge spoils will be reused to backfill the vertical sheet pile bulkhead installation up to elevation 12-feet and the rough stone revetment rebuilt to elevation 14-feet complete with a level top to provide public access.
4. Once the bulkhead, revetment, and public access are complete, final grading, relocation of utilities, parking, and access ways will be constructed to allow for the completion for the marina, gas dock, and marine supply store with public rest rooms for use by marina patrons. All of these structures are water dependent.
5. All debris and unusable material will be disposed of at either a Licensed Waste Disposal Facility or at Beneficial Use Determination Sites.