

ENF

**Environmental
Notification Form**

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>12752</u>
MEPA Analyst:	<u>Nick Zavoilas</u>
Phone:	617-626- <u>1030</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: Aquarium Wharf Realty Trust Proposed Renovations to Existing Building		
Street: 205-209 Commercial Street		
Municipality: Provincetown	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates:	Latitude: 042° 02' 52.9" N Longitude: 070° 11' 31.4" W	
Estimated commencement date: Fall, 2002	Estimated completion date: Spring, 2003	
Approximate cost: \$300,000+/-	Status of project design: 50 %complete	
Proponent: Aquarium Wharf Realty Trust, Attn: Paul de Ruyter		
Street: PO Box 1368		
Municipality: Provincetown	State: MA	Zip Code: 02657
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Beth E. Hays		
Firm/Agency: Coastal Engineering Company, Inc.	Street: 260 Cranberry Highway	
Municipality: Orleans	State: MA	Zip Code: 02653
Phone: 508-255-6511	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)) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| a Special Review Procedure? (see 301 CMR 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): 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: Order of Conditions, and Special Permit from Provincetown Zoning Board of Appeals to be filed.

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 <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 <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	.48+/-			
New acres of land altered		0		
Acres of impervious area	.23+/-	0	.23+/-	
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	18,400+/-	350+/-	18,750+/-	
Number of housing units	0	0	0	
Maximum height (in feet)	23.5+/-	0	23.5+/-	
TRANSPORTATION				
Vehicle trips per day	30+/-	5+/-	35+/-	
Parking spaces	0	0	0	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	1510	0	1510	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	1510	0	1510	
Length of water/sewer mains (in miles)	0	0	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 (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.)

A portion of the project site is located within the jurisdictional boundaries of the Waterways Regulation Program and the total site is also located within FEMA Floodzones V4, A4, A2, B and C. Existing uses of the structure consist of retail shops, food court restaurants and restrooms located on the first floor and storage on the second level. The old dolphin pool at the rear of the site was filled in 1994 and is currently used as an observation deck.

The proposed renovation project consists of:

- 1) relocating the first floor restroom back to the original location at the southwest corner of the building and increasing the size of the restroom area by approximately 100s.f. in order to accommodate handicap access;
- 2) creating new retail space under the existing storage roof overhang at the rear of the building;
- 3) providing a handicap access ramp to the observation deck;
- 4) creating art studio space on the second floor with egress deck and stairs at the rear of the building;
- 5) building improvements related to life-safety code compliance requirements;
and
- 6) general interior and exterior up-keep renovation.

Alternative Analysis:

Alternative I – Do Nothing

Alternative I would maintain the existing structures and offer no enhanced public access and amenities, including handicap access, to the waterfront and the creation of affordable art studios for local artists & artisans. It would also offer no expansion for public accommodation thereby limiting the potential and efficiency of the existing building use. It would not allow for building code upgrades and routine maintenance & improvement to the physical plant.

Alternative II – Rehabilitate Structures, as Proposed with Removal of Post-1984 Alterations

Alternative II would allow the renovation/rehabilitation within the existing main structure without proposed modifications affecting change in use, and the removal of Post-1984 alterations which have been made seaward of the Historic Mean High Water.

This Alternative would include:

- 1) Renovation/rehabilitation of the existing main structure;
- 2) Removal of the existing "Post 1984" public viewing deck;
- 3) Retention of the existing storage shed;
- 4) Retention of the 2nd floor area for storage;

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Parking spaces	0	0	0	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	1510	0	1510	
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The proposed renovation project consists of:

- 1) relocating the first floor restroom back to the original location at the southwest corner of the building and increasing the size of the restroom area by approximately 100s.f. in order to accommodate handicap access;
- 2) creating new retail space under the existing storage roof overhang at the rear of the building;
- 3) providing a handicap access ramp to the observation deck;
- 4) creating art studio space on the second floor with egress deck and stairs at the rear of the building;
- 5) building improvements related to life-safety code compliance requirements;
and
- 6) general interior and exterior up-keep renovation.

Alternative Analysis:

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This Alternative would include:

- 1) Renovation/rehabilitation of the existing main structure;
- 2) Removal of the existing "Post 1984" public viewing deck;
- 3) Retention of the existing storage shed;
- 4) Retention of the 2nd floor area for storage;

This Alternative would allow interior renovations, however, would cause the removal of the existing public access viewing deck which was constructed over the former aquarium's dolphin pool. The Alternative would also not include the renovation and restoration of existing storage space, the shed and 2nd floor area, and conversion to affordable art studio space for local artists & artisans.

Conversion of the storage to studio space would be consistent with the standards within 310 CMR 9.0 by altering space which is seaward of the historic mean high water from storage to space that is available for "public accommodation". Non-conversion of the space would have no beneficial impact to the environment, and the conversion into a facility for public accommodation will have no impact on the environment.

The facility is no longer an aquarium and the use of the dolphin pool is not required. The existing dolphin pool could either have been filled, or removed with the area filled and vegetated. Although the dolphin pool is seaward of the Historic Mean High Water, it is landward of the wetland resource areas. This area could have been returned to a natural vegetated state, or, as is this case, converted into a structure that benefits the enjoyment of the public by offering viewing access to the waters of the Commonwealth. Removal of the deck and dolphin pool along with restoration to a naturally vegetated state, at this time, is possible. However, the estimated cost of such a restoration is approximately \$50,000.

Alternative III – Preferred Alternative – Renovation/Rehabilitation of Existing Structures, Conversion of Storage Space to Studio Space, and Retention of Public Viewing Deck

Alternative III, the preferred alternative, is the implementation of the proposed renovation project as delineated in the Project Description. This project would increase the viability of future on-site and off-site water-dependant activities, encouraging more people to access the waterfront from the street. Besides increasing the efficiency of the retail businesses, it would provide space for artists on the second floor, maximizing public accommodation potential. Overall, the project would be an improvement to the existing building and it's use and would contribute to the aesthetics of the neighborhood. Otherwise, the project would have no negative impacts.

Retention of the public viewing deck over the former dolphin pool would allow and insure the continuance of the public's enjoyment of the waters of the Commonwealth. No adverse impact would occur for it's continued use, nor no benefit would be realized for its removal.

On-site mitigation measures would include siltation fence and haybales placed along the seaward edge of construction, a temporary, air-permeable, construction fence to prevent blowing of debris into the harbor and covered containment for construction debris.

In addition, the conversion of currently non-productive storage space to leasable art studio space will create affordable work & display spaces for local artists & artisans who are under increasing pressure to find affordable spaces in Provincetown. Together this provides the financial resources and incentive to make the project economically feasible. The construction project & additional space will provide jobs and economic opportunity for the local workers and artisans.