

CAPE COD COMMISSION

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DATE: JUNE 24 1991
TO: Mr. Harold C. Mayer
FROM: Cape Cod Commission

RE: Exemption for a Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Harold C. Mayer
PROJECT #: Mayer Pier
PROJECT: Mayer Pier
Lot #1, Kenneth Lane, Orleans, MA.

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Harold Mayer for a DRI Exemption, Section 12 (k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Mayer Pier. The decision is rendered pursuant to the vote of the Commission on June 17, 1991.

PROJECT DESCRIPTION

The project involves the licensing, maintenance and seasonal construction of an existing 15 year old dock, ramp and float assembly. The pier is used by the residents of a single family home and is located within the Pleasant Bay ACEC on the Namequoit River in the Town of Orleans.

PROCEDURAL HISTORY

This project was reviewed by the Commission pursuant to Sec. 12 (i) of the Act following the certification of an FEIR on April 9, 1991. A duly noticed public hearing was conducted by a hearing officer pursuant to Section 5 of the Act on May 2, 1991 and continued until June 5, 1991 where the project was heard by a duly authorized subcommittee of the Commission. During this time period the applicant applied for a Development of Regional Impact Exemption under Sec. 12 (k) of the Act. The public hearing was closed at the June 5, 1991 hearing.

The applicant has applied for an Order of Conditions from the Orleans Conservation Commission; a water quality certification has been applied for from the Department of Environmental Protection, Division of Water Pollution Control; the applicant applied for a Chapter 91 waterways license from the Department of Environmental Protection, Division of Wetlands and Waterways; In addition, the applicant has filed

for Federal consistency Certification with the Massachusetts Office of Coastal Zone Management.

Materials submitted for the record include:

- Order of Conditions, Orleans Conservation Commission June 6, 1990;
- letter from Army Corp of Engineering, re: permit application Sept.20 1990;
- letter from DEP Division of Water Pollution Control re: Water Quality Certification, November 13, 1990;
- memorandum, from MEPA re: Coastal Zone Management Review December 31, 1990;
- Certificate of the Secretary of Environmental Affairs re: Draft EIR January 16, 1991;
- letter from Secretary of Environmental Affairs re: Draft EIR January 18, 1991;
- letter from Department of Environmental Protection, re: Waterways Application, March 29, 1991;
- letter from Felco Engineering, re: Exemption Information, April30, 1991;
- abutters list, submitted May 16, 1991;

The Commission heard oral testimony at the June 5, 1991 hearing from David Lajoie, Felco Engineering representing the applicant.

The Commission also received oral testimony from public officials and members of the public as described in the minutes of the Subcommittee public hearing dated June 5, 1991.

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

JURISDICTION

The proposed Mayer Pier Project was referred to the Commission on April 11, 1991 upon the project's required filing of an Environmental Impact Report under Section 61-62h of Chapter 30 of the general laws. The referral was required by Section 12(i) of the Act and by Commission regulations.

FINDINGS

The Commission has considered the application of Mr. Harold Mayer for the proposed Mayer Pier and based on consideration of such application and upon the information

presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act

1. The pier has been in use seasonally for 15 years with no demonstrable impacts or deterioration to the environment.
2. Compliance with the Massachusetts's Environmental Policy Act, review by the Massachusetts's Office of Coastal Zone Management and the Orlean's Conservation Commission demonstrate that the project poses no environmental impacts.
3. Pier construction allows water and sediment transport and provides adequate spacing for growing coastal vegetation. In addition, there is no shellfish habitat on site that would be impacted by the piers location or design.

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes:

The character, location and environmental effects of this project have no significant regional impact.

The Commission hereby approves the Mayer Pier for an exemption under Sec. 12 (k) of the Act. This recommendation is based upon the findings that the location, character and environmental effect of this development have no significant regional impacts.

A. J. Carbonell

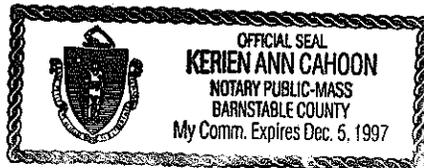
Armando Carbonell, Executive Director

26 June 1991

Date

Kerien Ann Cahoon

Notary



4/26/91

Date