



CAPE COD COMMISSION

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November 18, 1999

Applicant: Haley and Ward, Inc. (for the Town of Falmouth)
25 Fox Road
Waltham, MA 02451-1066
Patrick S. O'Neale, P.E.
781-890-3980

Project #: CCC #JR98040, EOEA #11165
Crooked Pond Well Site
Blackthorn Circle
Falmouth, MA

RE: Development of Regional Impact Review
Cape Cod Commission, MEPA Review

Map/section/parcel/lot:	Book/Page:
16 03 007 001	6113/283
11 01 028 000	5864/109

Owner: Town of Falmouth

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby **approves with conditions** the application of Haley and Ward, Inc. representing the Town of Falmouth for the proposed Crooked Pond Well located off of Blackthorn Circle and Sam Turner Road, Falmouth, Massachusetts as a Development of Regional Impact (DRI).

PROJECT DESCRIPTION

The project for the Town of Falmouth involves development of a new water supply well and pumping station off of Sam Turner Road in Falmouth, at a point approximately 900 feet west of Crooked Pond. The proposed wellsite is located within a Significant Natural Resource Area (SNRA) as mapped by the Cape Cod



Regional Policy Plan maps. Crooked Pond, a coastal plain pond, is classified as an Exemplary Natural Community and provides habitat to three rare invertebrates and seven rare plants.

JURISDICTION

The project has undergone review pursuant to section 11.26(7)(h)(6) of the Massachusetts Environmental Policy Act (MEPA) regulations, because the project requires a Water Management Act permit from the Department of Environmental Protection (DEP). The project will also require a Source Approval from DEP. DEP has already granted the Source Approval, prior to the completion of the MEPA process. Therefore, it will be necessary for DEP to re-evaluate this approval after completion of the Environmental Impact Report (EIR) process. Because the project required review by MEPA, Cape Cod Commission review as a Development of Regional Impact (DRI) is also required.

PROCEDURAL HISTORY

The Commission commented on the Environmental Notification Form on July 1, 1997 and recommended monitoring of both water quality and impacts to wetlands as a condition of the project's approval. The Secretary of Environmental Affairs subsequently required preparation of an Environmental Impact Report. When the Draft Environmental Impact Report (DEIR) was submitted for review, the Commission held a joint public hearing with MEPA on September 22, 1998 and sent written comments to MEPA. The Secretary of Environmental Affairs issued a Certificate on October 2, 1998 stating that the DEIR "adequately and properly complies" with the Massachusetts Environmental Policy Act and its implementing regulations.

The project proponent submitted the Final Environmental Impact Report with the Cape Cod Commission on June 21, 1999. The Commission's Subcommittee held a public hearing on July 28, 1999 and sent comments to MEPA on August 9, 1999. The Secretary of Environmental Affairs issued a certificate on August 16, 1999 stating that the Final Environmental Impact Report (FEIR) submitted on the project "adequately and properly complies" with the Massachusetts Environmental Policy Act [GL c. 30, ss. 61-62H and with its implementing regulations (301 CMR 11.00)]. The project then proceeded through Cape Cod Commission Development of Regional Impact review.

Materials Submitted for the Record:

Application Materials:

Summary of Town Proposal for EIR Content, Crooked Pond Well Site, Falmouth, October 23, 1997

Letter to Haley and Ward, Inc., from Massachusetts Historical Commission, June 2, 1998

Wetlands Monitoring Program schematic, June 26, 1998
Existing Conditions Plan, Figure 3, July 1998
Discussion and Background Material Related to the Environmental Impact Report
Scope, EOE No. 11165, October 1997
Preliminary Site Development Plan, Figure 4, July 1998
Draft Environmental Impact Report and Development of Regional Impact
Application Volumes I & II, July 1998
Final Environmental Impact Report, June 1999
Preliminary Site Development Plan, Figure 4, September 1999

Correspondence from Applicant:

Letter to Secretary of Environmental Affairs from Patrick S. O'Neale, P.E., Haley
and Ward, Inc., May 22, 1997
Letter to Raymond A. Jack, Town of Falmouth, from Patrick S. O'Neale, P.E.,
June 19, 1997
Fax to Gay D. Wells, AICP, Cape Cod Commission, from Patrick O'Neale, P.E.,
January 15, 1998
Letter to Gay D. Wells, AICP, from Patrick S. O'Neale, P.E., January 23, 1998
Letter to Gay D. Wells, AICP, from Patrick S. O'Neale, P.E., February 5, 1998
Message Reply to Gay Wells, AICP, from Patrick S. O'Neale, February 5, 1998
Letter to Raymond A. Jack, from Robert W. Pickering, P.E., Haley and Ward,
Inc., June 16, 1998
Fax to Paul Sutton, Cape Cod Commission, from Robert Pickering,
June 17, 1998
Letter to Secretary of Environmental Affairs (attn. Arthur Pugsley), from
Patrick S. O'Neale, August 12, 1998
Letter to Truman Henson, MA Coastal Zone Management, from
Patrick S. O'Neale, P.E., August 26, 1998
Fax to Gay Wells, AICP, from Patrick O'Neale, P.E., December 16, 1998
Letter to Raymond A. Jack, from Patrick S. O'Neale, P.E., December 17, 1998
Letter to Gay D. Wells, AICP, from Patrick S. O'Neale, P.E., February 3, 1999
Letter to Patrice Bordonaro, from Robert W. Pickering, P.E., July 13, 1999
Letter to Robert Erickson, Earth Tech, from Robert W. Pickering, P.E.,
July 29, 1999
Letter to Gay Wells, AICP, from Robert W. Pickering, P.E., August 19, 1999
Letter to Gay Wells, AICP, from Robert W. Pickering, P.E., August 25, 1999
Fax to Gay Wells, AICP, from Robert Pickering, August 31, 1999
Letter to Secretary of Environmental Affairs (attn. Arthur Pugsley), from Patrick S.
O'Neale, September 9, 1999
Preliminary Site Development Plan, Figure 4, September 1999
Letter to Gay D. Wells, AICP, from Patrick S. O'Neale, P.E., September 16, 1999
Fax of letter to Peter F. Boyer, Falmouth Town Administrator, from Frank K.
Duffy, Jr., Esq., September 27, 1999
Memo to Gay D. Wells, from Patrick O'Neale, September 28, 1999
Preliminary Site Development Plan, Figure 4, October 6, 1999

Letter to Gay D. Wells, AICP, from Patrick S. O'Neale, P.E., October 7, 1999

Correspondence from Cape Cod Commission:

Fax to Arthur Pugsley, MEPA Unit, with Comment letter to Secretary Coxe on ENF, July 1, 1997

Letter to Raymond A. Jack, Town of Falmouth, from Gay D. Wells, AICP, July 28, 1997

Letter to Patrick S. O'Neale, P.E., from Gay Wells, AICP, March 2, 1998

Letter to Robert W. Pickering, from Gabrielle Belfit and Thomas C. Cambareri, Cape Cod Commission, June 24, 1998

Letter to Patrick S. O'Neale, P.E., from Paul Sutton, July 17, 1998

Notes from meeting June 25, 1998

DRI Referral Form, August 19, 1998

Staff Report, September 15, 1998

Memorandum to Subcommittee from Gay Wells, AICP, September 16, 1998

Fax of Staff Report to Arthur Pugsley, Raymond Jack, Patrick O'Neale, P.E. September 17, 1998

Fax to Sue Walker and Association for the Protection of Cape Cod of the Staff Report, September 22, 1998

Agenda and Sign-In list, Public Hearing, September 22, 1999

Fax to Robert Randolph, Ken Brock, Frank Shephard, Bob Deane of comment letter, September 24, 1998

Letter to Trudy Coxe, Secretary of Environmental Affairs, from Robert Randolph, Subcommittee Chair, September 24, 1998

Fax of comment letter to Arthur Pugsley, Patrick O'Neale, September 25, 1998

Fax to Arthur Pugsley, September 25, 1998

Memo to Kathy Sferra and Tom Cambareri from Gay Wells, February 9, 1998

Memo to Subcommittee, from Gay Wells, AICP, July 12, 1999

Mailing List

Staff Report, July 20, 1999

Memo to Subcommittee, from Gay Wells, AICP, July 20, 1999

Memo to Interested Parties, from Gay Wells, AICP, July 20, 1999

Attendance list from Public Hearing, July 28, 1999

Letter to Robert Durand, Secretary of Environmental Affairs, from Robert Randolph, August 2, 1999

Fax to Nancy Buchanan, from Gay Wells, AICP, September 22, 1999

Memo to Subcommittee, from Gay Wells, AICP, September 22, 1999

Fax to Patrick O'Neale, Raymond Jack, from Gay Wells, AICP, September 24, 1999

Sign-In sheet from Public Hearing, September 27, 1999

Photos

Fax to Patrick O'Neale, from Gay Wells, AICP, September 29, 1999

Memo to Subcommittee with Draft Decision, from Gay Wells, AICP, October 13, 1999

Fax from Gay Wells, AICP, to Tracy Downing, resident, October 15, 1999

Fax from Gay Wells, AICP, to Patrick O'Neale, October 18, 1999
Letter from Gay Wells, AICP, to Ron and Tracy Downing, October 21, 1999

Correspondence from Municipal/Agencies:

Meeting notice from Arthur Pugsley, MEPA Unit, EOE, June 11, 1997
Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form (ENF), July 11, 1997
Letter from R. Jeffrey Lyman, EOE, to Peter F. Boyer, January 5, 1998
Building Use Permit from Town of Falmouth, September 9, 1998
Letter from Louis J. Wagner, Mass Audubon Society, to Trudy Coxe, September 23, 1998
Letter from Hanni Dinkeloo, NHESP, to Trudy Coxe, September 29, 1998
Letter from Elizabeth A. Kouloheras, DEP, to Raymond A. Jack, December 3, 1998
Certificate of the Secretary of Environmental Affairs on the Draft Environmental Impact Report, October 2, 1998
Letter from Hanni Dinkeloo, NHESP, to Robert Durand, EOE, August 9, 1999
Certificate of the Secretary of Environmental Affairs on the Final Environmental Impact Report, August 16, 1999

Other Information:

Minutes, Public Hearing, September 22, 1998
Minutes, Public Hearing, July 28, 1999
Minutes, Public Hearing, September 27, 1998
Minutes, Subcommittee Meeting, October 18, 1999
Letter from Alan P. Fler to Cape Cod Commission & MEPA Unit, September 22, 1998
Letter from Mark D. Kurz to Cape Cod Commission, September 22, 1998
Letter from Ann Coffin to Cape Cod Commission, October 3, 1998
Letter from Leslie Lichtenstein to Cape Cod Commission, July 28, 1999
Letter from Diane M. Mahoney to Gay Wells, AICP, August 4, 1999
Letter from David Mahoney to Gay Wells, AICP, August 9, 1999
Petition, August 9, 1999
Letter from Shirley Waskilewicz to Gay Wells, AICP, September 12, 1999
Letter from Shirley Waskilewicz to Frank Shephard, September 12, 1999
Letter from Tracy and Ron Downing to Gay Wells, AICP, October 15, 1999

All information submitted for the record is hereby incorporated by reference.

TESTIMONY

Public Hearing, September 22, 1998

There was a public hearing held on Tuesday, September 22, 1998. See the file for complete minutes of this hearing. The following is abbreviated.

Patrick O'Neale, Project Manager for Haley and Ward, Inc. presented the Crooked Pond Well project and noted the need for a new source of additional water supplies in the Town of Falmouth.

Rich Albano, consultant with Sanford Ecological Services, described that the development of biological monitoring would be three-pronged and done on an annual basis.

Gabrielle Belfit, Commission water resources hydrologist, gave the staff report regarding Water Resources. The Commission has specific comments and questions on how the monitoring is done. She is asking that the 1-foot drawdown and simultaneous monitoring be done initially to test the 1-foot drawdown. The threshold should not be hard and fast. There are questions about the modeling.

As Falmouth's representative to the Commission, Mr. Shephard supports the Town's needs to supply water.

Heather McElroy, Natural Resources Planner for the Commission, stated concerns regarding working/construction in the area of the wetland buffer and the location of the pipeline. Ms. McElroy asked if it would be possible to move the treatment plant to the other side of the easement. She also asked how information from the monitoring plan would be used to protect rare species. And she suggested continuing monitoring over a longer period of time if insufficient information is provided during the first five years.

Resident concerns included: the F-28 plume, rare plants, treatment in an area with no control area with no pond adjacent to it, in the permit a threshold is needed for regulatory agencies, the encroachment of pitch pine and red maple, water quality testing, and a question about the wellsite and choosing to take it North.

Public Hearing July 28, 1999

See the file for complete minutes of this hearing. The following is abbreviated.

Patrick O'Neale of Haley & Ward presented the project using a site plan. Mr. O'Neale enumerated the changes in their program based upon comments received on the Draft Environmental Impact Report.

Frank Shephard, Falmouth's Representative to the Cape Cod Commission, asked questions regarding the site. There was a discussion about relocating the water treatment plant.

Robert Randolph, Minority Representative to the Cape Cod Commission, asked about possible contamination of plumes from the Massachusetts Military Reservation (MMR).

Gay Wells, planner with the Cape Cod Commission, gave an overview of the staff report stating that the FEIR more thoroughly addresses comments and questions by the Commission on the Draft Environmental Impact Report and the staff finds the FEIR to be adequate, although the staff has a few questions.

Gabrielle Belfit, Commission Water Resources staff, stated that the applicant as addressed concerns regarding the need for good representative data and the control point. She commended the project.

Heather McElroy, Commission Natural Resources planner, concurs with the applicant's justification for not moving the access road. She recommends that a Conservation Restriction be placed on the property to protect wetland buffers. Location of the treatment plant was discussed. Ms. McElroy recommends a longer initial monitoring period than the proposed five-year period.

The design of the building was discussed in response to residents' concerns. Residents also indicated other concerns regarding: the trigger point, road condition and road repairs, individual wells and the potential of going dry, continuing to use the pond for swimming, impacts from contamination plumes, truck traffic and safety of children, alternative access to the site, and the operational target date.

Public Hearing, September 27, 1999

See the file for complete minutes of this hearing. The following is abbreviated.

Patrick O'Neale, P.E. of Haley and Ward, Inc. gave an overview of the project.

There was a discussion of alternative access routes and location of the treatment plant. Mr. O'Neale said that the use of the land for the well minimizes impacts.

There was a question about the Commonwealth Electric Easement. James Weaver from Commonwealth Electric was present and stated that there may be minor changes to the route of the piping for the project.

Gay Wells noted the Certificate issued by the Secretary of Environmental Affairs and the three points regarding: 1) the need for a 20-year monitoring program, 2) that both pairs of piezometers in Crooked Pond be equipped with pressure

transducers and continuous data loggers, and 3) that baseline vegetation monitoring should begin immediately.

Gabrielle Belfit of the Commission's Water Resources noted that the Commission has been working with Haley and Ward and the Town of Falmouth in reviewing and critiquing the proposed monitoring program since January of 1997.

Heather McElroy, Natural Resources Planner, said that because of the presence of rare wetland plants and other species, the monitoring program must provide a good measure of the impacts on the pond. She supports a 20-year monitoring plan.

There were comments and concerns from residents.

Bob Deane, Bourne Commission representative, asked what the size of the building will be. Patrick O'Neale said 60 feet x 80 feet (approx. 5,000 sq. ft.) plus the parking lot and truck turn around area.

A Subcommittee meeting was then held. Frank Shephard noted that the Town and Haley and Ward have addressed concerns brought up in the staff report and presented by residents. The proponents were asked to provide information on five points for consideration at the next subcommittee meeting.

Subcommittee Meeting, October 18, 1999

There was review of a letter and revised site plan received from Patrick O'Neale, P.E., dated October 7, 1999. The staff stated that they accept the revised site plan with the water treatment facility moved 200 feet from the road, the parking in the rear of the building, and the location of the circular driveway. Staff also believes that moving the pipeline to the west out of the Commonwealth Electric easement is probably a better proposal.

Gay Wells noted a letter received from Tracy and Ron Downing, residents of Twin Oaks Drive, and this was discussed. The draft Decision was then reviewed. Changes were made as appropriate. Frank Shephard motioned to accept the draft Decision with the changes made at the Subcommittee meeting. Mr. Deane seconded and the vote passed unanimously.

FINDINGS

The Commission has considered the proponent's application for a Development of Regional Impact review regarding the Crooked Pond Well Site, a proposed municipal well for the Town of Falmouth. Based upon consideration of such request, and information presented at the public hearings and submitted for the record, the Commission makes the following findings:

1. The project in the Town of Falmouth on an approximately 80-acre site involves development of a new water supply well, water treatment facility, and pumping station off of Sam Turner Road, at a point approximately 900 feet west of Crooked Pond.
2. The proposed wellsite is located within a Significant Natural Resource Area (SNRA) as mapped by the Cape Cod Regional Policy Plan Maps.
3. Crooked Pond, a coastal plain pond, is classified as an Exemplary Natural Community and provides habitat to three rare invertebrates and seven rare plants protected under the Mass Endangered Species Act (MGL c. 131A) and its implementing regulation (321 CMR 10.00).
4. The project has undergone review pursuant to section 11.26(7)(h)(6) of the MEPA regulations, because the project requires a Water Management Act permit from the Department of Environmental protection (DEP).
5. Survey work conducted by Cape Cod Commission staff has shown that other water supply siting options within the Town of Falmouth are extremely limited. Unless significant resources are provided on the Massachusetts Military Reservation (MMR), Falmouth will be facing substantial water supply shortfalls.
6. As a new wellsite, the chemical storage/water treatment facility will be located by definition within a Wellhead Protection District (Zone II). As such, Minimum Performance Standard (MPS) 4.2.2.3 of the Regional Policy Plan (RPP) applies to this project. Because they exhibit the characteristic of corrosivity, both liquid potassium hydroxide and sodium hypochlorite are hazardous materials under the RPP. However, the Massachusetts Drinking Water Regulations require corrosion control and may also require disinfection as part of source approval. These chemicals are not combustible and do not emit vapors if spilled. The Commission, therefore, finds that the use of the *Flexibility Clause* is appropriate since the proposed chemical storage is a legal requirement for well development and will not be more detrimental to the protected resource than would be allowable under the applicable MPS.
7. The project will require a Source Approval from the Department of Environmental Protection. DEP has already granted the Source Approval,

prior to the completion of the MEPA process. Therefore, it will be necessary for DEP to re-evaluate this approval after completion of the Environmental Impact Report (EIR) process.

8. A Water Management Permit Amendment is required to modify the existing permit and the Town is presently waiting for DEP to issue the Draft Permit Amendment. The permit expires in 2010, at which time it will be necessary for the Town to renew the permit with DEP.
9. DEP conducts a five-year permit review to determine if it is necessary to continue the wetlands monitoring program.
10. In the Certificate issued on the Final Environmental Impact Report (FEIR), the Secretary of Environmental Affairs urges a monitoring period that would run the full 20-year length of the Water Management Act Permit. The Commission is concerned that the proposed five-year monitoring period is not long enough to observe changes in patterns of rare species occurrence at the ponds or vernal pool and concurs with a 20-year monitoring period.
11. The Secretary of Environmental Affairs recommends that both pairs of piezometers in Crooked Pond be equipped with pressure transducers and continuous data loggers, and strongly encourages that baseline vegetation monitoring begin immediately. The Town of Falmouth has agreed to install additional data loggers in the Crooked Pond piezometers and initiate baseline vegetational monitoring this year. Set-up of the sample plots and baseline vegetation inventory was completed September 30, 1999.
12. The implementation of the action thresholds (control points) is very important and will determine pumping rates on a daily basis. The control point will be determined by the water level fluctuations in regional and ambient monitoring wells. Since these monitoring wells will not always be measured at the same time intervals, an interpretation of the appropriate control point will have to be made. The accuracy of the control point for Monitoring Well CP1 based on data derived from regional or local monitoring wells should be evaluated during the collection of baseline information.
13. The location of staff gauges and piezometers located within Crooked Pond present a long-term maintenance problem including vandalism, ice impacts, and siltation. Nearby benchmarks must be established for the staff gauges and piezometers and a bi-annual survey made of these measuring points to assure continued accuracy with the ongoing data collection.
14. The Commission finds that location of the water treatment facility, west of the Commonwealth Electric easement, with a setback of 200 feet from the intersection of Twin Oaks Drive and Blackthorn Circle, per Haley and Ward,

Inc. Figure 4 site plan Revision 3, October 6, 1999, is acceptable, including location of the parking and circular drive.

15. The relocation of the pipeline from the well pump house to the water treatment facility outside of the Commonwealth Electric easement, per request of Commonwealth Electric, as shown in Figure 4, Revision 3, October 6, 1999 will result in minimal adverse impacts.
16. The proponents have demonstrated that work associated with pipeline installation within wetland buffers is unavoidable, consequently, the Commission recommends that mitigation for work in the buffer be required.
17. The Town of Falmouth has acquired approximately 80 acres in the location of the proposed well site for the purpose of water supply provision and the parcel will be conserved for that purpose. The Commission recommends that the Town place a conservation restriction (CR) on the property to protect the natural resource values of the buffers to the ponds and associated wetlands.
18. Elevations showing the design of the water treatment facility and materials to be used in construction are unavailable at this time. Architectural review and approval of the building, landscaping, and lighting by Commission staff is required as part of DRI review and must be conducted prior to issuance of a building permit by the Town of Falmouth. The design review, including a landscape plan, may be conducted in conjunction with Town of Falmouth design review. A lighting plan will be provided during design review.
19. The proposed project is a new public water supply well for Falmouth, and as such, this new supply well will involve the storage of liquid potassium hydroxide and sodium hypochlorite, each in a separate tank large enough to hold a one-month supply to make the water potable. These tanks will be enclosed in a containment structure equipped with a leak detection system and large enough to provide 110% spill containment. The treatment plant will also be equipped with an emergency generator powered by natural gas.
20. Residents expressed concerns with regard to truck traffic and safety on neighborhood streets. Traffic generation for the project is expected to be limited to one or two round trips daily in a pickup truck by Town of Falmouth operating staff and two deliveries per month of chemicals. Chemical deliveries will be made in larger trucks which will have an escort from the Town of Falmouth. Deliveries of chemicals will be made only on weekdays during the hours of 8:00 a.m. to 2:00 p.m.
21. Residents expressed concerns about road construction and repairs for installation of the water pipes, electricity, and natural gas to the site. The Town of Falmouth will make all necessary repairs to the roadways once construction is completed.

22. The project is consistent with Town of Falmouth zoning and the certified Falmouth Local Comprehensive Plan.

CONDITIONS

1. All conditions shall be met prior to the issuance of a Certificate of Compliance by the Cape Cod Commission. A Certificate of Compliance shall be issued prior to the issuance of a Certificate of Occupancy/Operations. Prior to the time that the applicant needs a Certificate of Compliance, notification shall be given to the Cape Cod Commission at least 30 days in advance to allow time for staff to inspect the site and ascertain that all conditions have been met.
2. The project is approved for a new municipal well site including a pumping station, pipelines, water treatment facility (60 x 80 feet), backwash treatment facility (if needed), parking area, and circular drive, to be located per Figure 4 site plan, Revision 3, October 6, 1999.
3. Both pairs of piezometers in Crooked Pond shall be equipped with pressure transducers and continuous data loggers.
4. The applicant shall provide the Commission staff with all groundwater and surface water monitoring data. Pertinent information shall include pumping data and shall be provided to the Cape Cod Commission staff quarterly for the first year and shall be provided annually thereafter. Cape Cod Commission staff may require changes to improve the effectiveness of the groundwater and surface water monitoring program.
5. A bi-annual survey shall be conducted of staff gauges and piezometers measuring points to assure continued accuracy with the ongoing data collection. Measuring point elevation shall be included in the annual report.
6. The proponent shall conduct the wetland monitoring program within Crooked Pond and the nearby vernal pool (as detailed in the DEIR, FEIR, and September 9, 1999 letter from Haley and Ward, Inc. to EOEA, attn. Arthur Pugsley) for a period of twenty years. The staff conducting the monitoring shall be trained in identifying the relevant rare species and invertebrates at Crooked Pond and the vernal pool. The proponents shall submit annual reports of data collected and accompanying analysis to the Cape Cod Commission for the duration of the monitoring period. Every five years, at the time of the DEP review of the water management permit, the length of the monitoring period may be reevaluated, to determine whether the monitoring period shall continue. If deemed appropriate by the DEP, the Cape Cod Commission, and the Natural Heritage and Endangered Species Program (and the reviewing agencies, as appropriate), the monitoring of the wetland species may cease. Baseline vegetation monitoring shall begin immediately.

7. In constructing the pipeline within wetland buffer areas, the proponents shall use best management practices, as described in the Draft and Final Environmental Impact Reports, to minimize impacts to the wetland resources. The proponents shall install and maintain silt fencing at the line of work within all buffer areas prior to and during construction. If haybales are used for construction management purposes, they shall have been acquired from upland sites to avoid the introduction of *Phragmites* (common reed) into these wetland environments. The proponent shall revegetate areas disturbed by construction with native species.
8. The Town of Falmouth shall permanently protect the 100-ft buffers to all wetlands and waterbodies on the property through a conservation restriction. The Town shall provide the Cape Cod Commission with a conservation restriction consistent with Massachusetts General Laws Chapter 184, ss. 31-33, and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court which provides that the wetland buffer areas shall be preserved as permanent open space. The approved restriction and site plan shall be executed and recorded and proof of recording shall be provided to the Commission, *prior to the receipt of a Certificate of Compliance*.
9. Cape Cod Commission staff shall review and approve design of the building, landscaping, and lighting (consistent with Technical Bulletin 95-001). Review and approval shall take place prior to issuance of a Building Permit. The design review may take place concurrently with Town of Falmouth design review.
10. Storage and use of liquid potassium hydroxide and sodium hypochlorite, shall meet all requirements for Massachusetts Drinking Water Regulations, 310 CMR 22.00. The Town shall provide 110% spill containment for chemical storage.
11. Truck traffic to and from the water treatment facility shall generally be limited to one or two round trips per day for operational staff. Chemical deliveries shall be limited to two deliveries per month with a town escort and limited to weekdays (Monday through Friday) between the hours of 8:00 a.m. to 2:00 p.m.
12. The Town of Falmouth shall repair all roadways where construction for installation of the water pipes, electrical lines, and natural gas lines takes place once construction is completed.

