

CAPE COD COMMISSION

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DATE: August 29, 2005

TO: Massachusetts Audubon Society
Wellfleet Bay Wildlife Sanctuary
291 State Highway 6
Wellfleet, MA 02663

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision dated
August 6, 1992.

APPLICANT: Massachusetts Audubon Society
C/o Robert Prescott

PROJECT: Massachusetts Audubon Society,
Wellfleet Bay Wildlife Sanctuary

PROJECT #: TR92035. Book/Page: Book 1020, Page 319

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Cape Cod Commission approved a Development of Regional Impact (DRI) dated August 6, 1992 for construction of a new visitor center, housing for seasonal staff, new washroom and a new water supply well at the Massachusetts Audubon Wellfleet Bay Wildlife Sanctuary. The project was constructed as approved and all applicable conditions met. In August 2005, Massachusetts Audubon made an application for a minor modification to allow the following work at the Wellfleet Bay Wildlife Sanctuary: a 5,944 square-foot addition to the visitor center; a new 1,236 square-foot classroom; a new 2,144 square-foot dormitory and alterations to the Goose Pond Trail to make it handicap accessible. Details of the proposed project are illustrated in the following plans:

1. Coastal Engineering plans dated August 19, 2005 (Sheets CV-1, S-1, S-2, SD-1, through SD-5)
2. Architectural Design Incorporated plans dated January 31, 2005 (Sheets A-1.0, A-1.1, A-1.2, A-1.3, A-3.1, A-3.3), and,
3. Plans for the dormitory provided by Attorney Michael Ford, prepared by The Home Store, received by facsimile dated August 26, 2005.



The DRI decision dated August 6, 1992 is hereby amended by a vote of the Regulatory Committee on August 29, 2005. All conditions attached to the original decision dated August 6, 1992 continue to apply except as modified herein.

- a. Under heading "FINDINGS", add new subheading titled "August 2005 Modification"
- b. Add new Findings under this heading to read as follows:
 16. On July 22, 2005, Mass. Audubon made an application for a minor modification to construct an addition to the visitor center, a new classroom, new dormitory and make the Goose Pond Trail all-person accessible. On August 29, 2005, the Regulatory Committee found that the proposed changes constituted a Minor Modification #2 in that the project was substantially similar to the previous approval and that with the following additional conditions the project did not result in any different or increased impacts.

Natural Resources

17. The proposed changes to the Goose Pond Trail result in a net decrease in the amount of walkway within the wetland buffer and the Commission standards allow for pedestrian access paths as long as impacts are minimized. Therefore, there are no adverse impacts on the wetland buffer.
18. There are rare and endangered species and their habitat on the property. A condition is added to require sign-off from the Natural Heritage program on the proposed work prior to issuance of any building permits to ensure that there will be no adverse impact on either rare or endangered species or their habitat.

Water Resources

19. The additional nitrogen loading that is contributed by the expansions will be far below the 5.00ppm limit set by MPS 2.1.1.2.A.1. Stormwater runoff has been minimized with the use of porous paving materials for the walkways and new parking areas. Additional stormwater from rooftops will be directed onto vegetated surfaces, including a new rain garden.

Community Character

20. Several sensitive archaeological sites are located on the project site. The Applicant is in contact with Massachusetts Historical Commission (MHC) to determine whether there are adverse impacts on these resources resulting from the project. A condition will be added requiring MHC sign-off on the project prior to building permits being issued.

21. The visitor center addition, new classroom and dormitory are designed in a manner consistent with Cape Cod styles and forms and incorporate environmentally sensitive designs and technologies. There are no off-site views of the structures because of the location on the site. Detailed landscape plans are yet to be developed, but will be required to be submitted before landscaping is installed and prior to occupancy of the building. Schematic landscape plans show integrated and functional landscaping that provides amenities to pedestrians. Lighting information submitted indicates the proposed bollard parking lot lights will be down-angle and fully shielded, but no information on the fixtures mounted on the proposed buildings was submitted. Therefore, and with the added conditions, the Regulatory Committee finds that there are no anticipated adverse impacts on community character resulting from the project.

Hazardous Materials/Waste

22. Based on maps created for the 2002 (revised) Regional Policy Plan, there are no existing Wellhead Protection Districts/Zone II areas in Wellfleet, nor are there any Potential Public Water Supply Areas that affect the project site. At the same time, potable water for the Audubon Sanctuary comes from an on-site well.
23. An August 11, 2005 letter from Stinson & Ford states "*the strongest material used on site is isopropyl alcohol, and that no hazardous wastes (above household amounts) are generated on-site.*" The letter also states the use and generation of hazardous materials or wastes will not change as a result of the project, or the changes to the science education program.
24. On August 12, 2005, Commission staff contacted Robert Prescott, Sanctuary Director, by telephone. He stated that any materials used in the educational program or basic research were shells or animal products (scat, small parts, etc.) preserved in isopropyl alcohol. Mr. Prescott said each sample was typically only a few ounces, and that they were used "as is" at the Sanctuary, as biological examples. Mr. Prescott said that preserved samples were sent off-site if complex analysis was warranted. He said that there typically were very few samples on hand (less than 20), and an even fewer number of samples that were not being used (*i.e.* classified as waste). He said, however, none had yet been disposed of. Mr. Prescott also said the facility was in the process of refining its samples inventory and disposal procedures. Mr. Prescott said the facility staff also conducted animal necropsies, but that these were done without chemicals, such that anything not

taken as a *sample* (preserved in alcohol for later use or analysis) was buried.

Transportation

25. The proposed expansion of the facility is primarily to house summer day-camp activities that currently take place outdoors. The expansion also includes a dormitory that is the equivalent addition of one single family home.
 26. The expansion is not expected to generate new traffic based on limits on parking, limits on number of day-students, proximity of housing to workplaces (on-site housing for interns), and an on-going / enhanced carpooling program. Consequently, since no increase in impacts is expected, the project complies with the RPP transportation MPSs in section 4.1.2 and 4.1.3.
 27. Existing DRI conditions protect the safety of the facility access and additional access impacts are not expected. No new trip generation is expected. Existing crash history does not indicate any problem areas related to the facility. Consequently, the project complies with the RPP transportation MPSs in section 4.1.1.
- c. Under heading "GENERAL CONDITIONS", add new subheading titled "August 2005 Modification"
- d. Add new conditions under this heading to read as follows:
10. The proposed work at the Wellfleet Bay Wildlife Sanctuary shall be constructed in accordance with the following final plans:
 - i. Coastal Engineering plans dated August 19, 2005 (Sheets CV-1, S-1, S-2, SD-1, through SD-5)
 - ii. Architectural Design Incorporated plans dated January 31, 2005 (Sheets A-1.0, A-1.1, A-1.2, A-1.3, A-3.1, A-3.3), and,
 - iii. Plans for the dormitory provided by Attorney Michael Ford, prepared by The Home Store, received by facsimile dated August 26, 2005.
 11. Prior to issuance of a demolition permit or building permit for the project, or portions of the project if construction is phased, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to issuance of a building permit for the project, or that phase of construction, have been met.
 12. Prior to receiving a temporary or Final Certificate of Occupancy from the Town of Wellfleet, the Applicant shall obtain a Final

Certificate of Compliance from the Commission for the project, or portions of the project if constructed in phases.

13. The Applicant shall provide a minimum of 30 days notice prior to issuance of all certificates associated with this decision.

Natural Resources

14. Prior to the issuance of any Preliminary Certificate of Compliance, the Applicant shall submit correspondence from the Natural Heritage and Endangered Species Program to the Commission staff indicating that Natural Heritage does not anticipate adverse impact to either rare species or endangered species or their habitat as a result of the proposed work. In the event Natural Heritage identifies adverse impacts, the Applicant shall seek an additional modification determination from the Regulatory Committee.

Community Character

15. The Applicant shall provide Massachusetts Historical Commission (MHC) with necessary information for MHC to determine whether the proposed work will have an adverse impact on archaeological resources on the site. Copies of MHC's determination shall be submitted to the Commission prior to issuance of any Preliminary Certificate of Compliance. If MHC determines that the proposed work will have adverse impacts, the Applicant shall be required to work with Commission and MHC staff to redesign the project to avoid any negative impacts. The Applicant may be required to seek an additional modification from the Regulatory Committee if any changes to the project are required.
16. The total square-footage of all buildings added to the site shall not exceed 10,000 square feet. The Applicant shall provide final dimensioned drawings of the proposed dormitory for Commission staff approval prior to issuance of a Preliminary Certificate of Compliance for the dormitory. These drawings shall clearly show that no basement is proposed and that no interior stairway accesses the proposed crawl space.
17. A final landscape plan shall be submitted to the Commission staff and shall be approved by staff prior to installation of the landscaping and prior to issuance of any Final Certificate of Compliance.
18. All new exterior light fixtures that are part of the project described in this decision shall:
 - Be down-angle and fully shielded.
 - Not be up-directed lights.

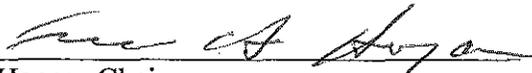
- Be the lowest available wattage incandescent or metal halide fixture needed to provide adequate night-time visibility.
 - Be equipped with timers or motion sensors where possible.
19. Prior to issuance of any Final Certificate of Compliance, Commission staff will conduct a site inspection to verify the exterior lighting design is consistent with condition 18.

Hazardous Materials/Waste

20. Prior to issuance of any Final Certificate of Compliance, the applicant shall submit for Commission review and approval a written protocol describing its *samples* inventory and disposal procedures. Prior to issuance of any Final Certificate of Compliance, Commission staff will conduct a site inspection to verify the site's use of hazardous materials and its generation of hazardous waste in a manner consistent with MPS 4.2.2.1 and 4.2.2.2 of the 1991 RPP.

Transportation

21. Parking shall continue to be limited to approximately 75 parking spaces. Exact delineation of parking spaces shall not be required due to the unpaved and natural environment inherent to the land use. Prior to the issuance of a Final Certificate of Compliance for the visitor center addition or classroom, CCC staff shall verify the number of parking spaces is approximately 75.
22. The maximum number of total daily campers shall be limited to 90.
23. The existing carpooling and alternative transportation mode program shall be continued. The program shall include active alternative travel promotion, information, and coordination across all modes including carpooling, biking, walking, and transit. The existing bicycle rack shall be retained and maintained for regular use. Information displays regarding environmental impacts of vehicles shall continue and may be changed from time to time, as appropriate.


 Frank Hogan, Chair

9/15/05
 Date

Commonwealth of Massachusetts
 County of Barnstable

On this 15th day of September, 2005, before me personally appeared Frank Hogan, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Gail P. Hanley
Notary
Commonwealth of Massachusetts

My Commission Expires: 10/13/11

CC: Rex Peterson, Town of Wellfleet
Attorney Michael Ford