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CAPE COD
COMMISSION

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Date: April 12, 2010

To: Sharon Lynn, Town Manager
Town Hall
260 Commercial Street
Provincetown, MA 02657

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Town of Provincetown

Project: Provincetown Wastewater Management Facilities Plan
Phase 3 Sewer Extension
Work Areas

Project #: ENF 96024

Book/Page: Book 1450 Page 818

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact (DRI) decision dated March 29, 2001 for the Provincetown Wastewater Management Facilities Plan project, as modified by a decision dated February 19, 2002, is hereby amended by a vote of the Cape Cod Commission's Regulatory Committee on March 15, 2010, and approved in a written decision dated April 12, 2010. All findings and conditions attached to the original DRI decision, as amended, continue to apply except as modified herein, as shown in bold.

Changes to March 29, 2001 DRI Decision (as Amended on February 19, 2002)

New Natural Resources Findings

NR15. According to information provided by a November 2009 Notice of Intent (NOI) filed by the Provincetown Department of Public Works (DPW), the DPW cleared, graded, and utilized three (3) areas outside of the roadway right of way for

staging of construction materials for Phase 3 of the sewer project. Two of these three sites (staging areas 2 and 3) are located within the 100-foot buffer to wetlands. All three areas are located within mapped habitat for state listed rare species, according to the Natural Heritage Atlas.

NR16. The Provincetown Conservation Commission responded immediately to the infractions, ordering the work halted and held a public hearing on the NOI on December 8, 2009 and January 12, 2010. In addition, the Conservation Commission hired an environmental consultant, Safe Harbor, and the Provincetown DPW notified the Natural Heritage and Endangered Species Program (NHESP) of the work that had occurred within mapped rare species habitat. NHESP staff sent a letter dated December 24, 2009 to the Conservation Commission indicating that no take of rare species will occur if the town complies with the NHESP recommendations about how to properly restore the impacted rare species habitat areas. As a result of its hearings, the Conservation Commission issued an Order of Conditions on January 12, 2010 that requires restoration activities at staging areas 2 and 3 based on Safe Harbor's report and the December 24, 2009 NHESP letter.

NR17. The Cape Cod Commission's Regulatory Committee finds that so long as the January 12, 2010 Order of Conditions issued by the Provincetown Conservation Commission is implemented, including but not limited to the Special Conditions appended to that Order, and the December 24, 2009 NHESP recommendations, the impacts from activities within the wetland buffer will be adequately addressed through the proposed restoration activities.

New Natural Resources Condition

NR17. The Town of Provincetown shall implement the January 12, 2010 Order of Conditions issued by the Provincetown Conservation Commission, including but not limited to the Special Conditions appended to that Order, and the December 24, 2009 NHESP recommendations, in order to restore wetland buffer and rare species habitat at staging areas 2 and 3.

Roydean Richardson
Regulatory Committee Chair

April 14, 2010
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April 14, 2010

Before me, the undersigned notary public, personally appeared Roydean Richardson in his/her capacity as Chairman of the Cape Cod Commission's Regulatory Committee, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires: 10.13.11