12/12/2024
Kleinfelder Project No.: 24003062

Board of Directors
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable, MA 02630

SUBJECT: **Cape Cod Commission "Developments of Regional Impact" (DRI) Exemption Request**
The Town of Barnstable, Department of Public Works
Straightway and Hyannisport Water Treatment Facilities Improvements
228 Straightway, 0 Old School House Road, and 132 Smith Street
Hyannis, Massachusetts

Dear Board of Directors:

Kleinfelder, on behalf of the Town of Barnstable Department of Public Works (Applicant), is submitting this "Developments of Regional Impact" (DRI) Exemption Request for the Hyannis Water System (HWS) Straightway and Hyannisport Water Treatment Facilities and Improvements Project (Project), located at 228 Straightway and 132 Smith Street in Hyannis, Massachusetts, in accordance with The Cape Cod Commission Act (Act), Section 12(k), and the Cape Cod Commission's Chapter A: *Enabling Regulations Governing Review of Developments of Regional Impact*, Section 7, *DRI Exemptions*, Barnstable County Ordinance 90-12, revised November 17, 2021 (Enabling Regulations). This public health infrastructure project will improve water quality and restore capacity and resiliency to the Hyannis Water System's active water supply, which serves an Environmental Justice population in the Town of Barnstable. The project limits are within existing Hyannis Water System Land and existing HWS service area, and within the limits of the existing HWS Water Management Act Permit. This Exemption Request is submitted because the location, character and environmental effects of the project will prevent it having any significant impacts on resources, values and purposes protected by the Act outside of Barnstable.

Purpose and Need:

The proposed Project is on land owned by the Applicant, is located within the Town of Barnstable, will not result in a change of land use or the creation of any new lots, and does not impact any municipality outside of Barnstable. The Project will expand and improve the Straightway and Hyannisport Water Treatment Facilities and is critical to public health and water system resiliency. It will receive Drinking Water State Revolving Fund (DWSRF) funding as part of the 2024 Final SRF Intended Use Plan to address per- and poly-fluoroalkyl substances (PFAS) contamination. The Straightway and Hyannisport Treatment Facilities represent 30% of the Hyannis Water System (HWS) total potential supply. The properties' four wells: Straightway 1, Straightway 2, Hyannisport, and Simmons Pond have a permitted supply of approximately 4 million gallons per day (MGD) of water. However, the existing treatment facilities are currently only

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providing about 1.15 MGD. This Project consists of improvements required to increase supply, pumping and treatment capacity, improve resiliency to sea level rise, and meet current and future drinking water regulations.

Proposed Improvements:

The proposed project has recently completed 60% design, and includes, but is not limited to, the following:

- **Winterization of existing treatment** – Existing granular activated carbon (GAC) filters at the Straightway Complex are located outdoors and only operational in the summer. As part of this project, a building will be constructed around the filters to enable year-round use.
- **Construction of a water treatment facility** – This project includes the construction of a new 11,000-square foot water treatment facility at the Straightway Complex (the Straightway Water Treatment Facility). The proposed Straightway Water Treatment Facility will treat raw water from all four wells. The facility will include GAC filters for PFAS removal, green sand filters for iron and manganese removal, ultraviolet advanced oxidation processes for 1,4-dioxane destruction, and chemical injection for pH control, corrosion control, and disinfection. The existing facilities do not currently provide iron and manganese pre-treatment nor 1,4-dioxane removal.
- **Replacement of existing wells** – This project includes the replacement of the Hyannisport and Simmons Pond wells. The primary motivation for well replacement is the age of the wells which has caused a decrease in well capacity. Additional benefits include wetlands restoration and flood protection. The existing Hyannisport and Simmons Pond pump stations are located within a wetland buffer zone and within the 500-year flood zone. The proposed well locations have been moved further from the wetlands. Existing pump stations will be demolished, and the area will be replanted with native wetlands plants. The proposed locations have raised the building elevations to 18.5 feet above sea level. This protects the wells from flooding, a risk that is expected to increase with climate change.
- **Stormwater Infrastructure** – No stormwater infrastructure exists at the Hyannisport Treatment Complex. Stormwater infrastructure at the Straightway Complex is undersized for the increased severity of precipitation events expected to occur due to climate change. This project includes upgrades to stormwater infrastructure that meet Massachusetts regulations and the Town of Barnstable's Stormwater Ordinance for the design storms provided by the ResilientMass Action Team (RMAT) tool. The proposed stormwater infrastructure and stormwater calculations are detailed in the Straightway Stormwater Report which is included in this submission.

Special Design considerations:

- **Impervious Area –** This project increases the total impervious area of both sites combined by 38,000 square feet. The construction of new pump stations at the Hyannisport campus will be partially offset by the removal of existing pump stations and portions of existing paved access roads, which will be restored and replanted with native plants. The replacement of the Hyannisport and Simmons Pond wells and pump stations on the Hyannisport Complex will result in a net decrease of 471 square feet of building footprint at the Hyannisport Complex.
- **Emergency Access** – The Straightway site accommodates the turning radius of "Tower 1" specifications provided by the Town. The Hyannisport site will accommodate a standard fire engine. Vehicles larger than a standard engine cannot be accommodated due to site constraints.
- **Building Code Requirements** - The installation of bathroom facilities at the new Straightway WTF and the new Hyannisport Pump Station. Sanitary waste will be directed to tight tanks as they are located within the Zone I area of a drinking water well.

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- **Greenhouse Gas Analysis** – The project completed a greenhouse gas analysis that led to the incorporation of measures to reduce the greenhouse gas emissions of the treatment facility. Measures include the installation of solar panels, improvements to the insulation, and efficient lighting, among others. Details on the energy efficiency measures for the project are included in the Environmental Impact Report.
- **Wildlife** - Tree clearing has been minimized to the extent feasible and trees will be planted around the perimeter of the site to act as a visual screen between abutters and the site. In total 1.4 acres of tree clearing is expected to occur for this project. To protect wildlife and plant habitats, the project has worked with the U.S. Fish and Wildlife Service to identify time of year restrictions to protect endangered species that may be found in the area.
- **Historic Districts and Aesthetics** - The Hyannisport Complex is in the historic district of Hyannis. The Town submitted a Project Notification Form (PNF) to the Massachusetts Historical Commission (MHC) on June 6, 2024. The PNF described project work within the historic district. The MHC chose not to comment on the project. Landscaping and architecture of the proposed Straightway Water Treatment Facility has been designed to make the building blend in with its surroundings. The building incorporated a Cape Cod style vernacular and detailing to complement the existing surrounding residential neighborhood.

Please refer to the Rollover Environmental Impact Report (EIR) for additional information, including mitigation measures which were discussed above.

Commission Jurisdiction:

The Cape Cod Commission (Commission) administers the Act, and includes the review of certain proposed developments which, because of their size or other characteristics, are presumed to have development effects beyond their local communities. The Project is subject to the Act due to its location within Barnstable County, and the filing of a Massachusetts Environmental Policy Act (MEPA) Environmental Notification Form (ENF) and EIR [Act, Section 16(b)]. The ENF was required due to the Project meeting or exceeding the following MEPA threshold: Expansion of an existing drinking water treatment plant by the greater of 1,000,000 gallons or more GPD, or 10% of the existing capacity [301 CMR 11.03(4)(b)5]. The EIR was required due to the location of the Project within one mile of an Environmental Justice (EJ) population [301 CMR 11.06(7)(b)].

The Applicant submitted the MEPA Expanded ENF (EENF) and draft Rollover EIR to the MEPA office and the Commission on September 3, 2024. The EENF was published in the Environmental Monitor on September 11, 2024, with a request for a Rollover EIR. The EENF Certificate and Rollover EIR request was issued on November 1, 2024. The draft Rollover EIR was published in the Environmental Monitor November 8, 2024.

Exemption Request:

The Project is defined as a DRI because it meets or exceeds the DRI review threshold as promulgated in Section 12(i) of the Act and Section 2(d)(i) of the Enabling Regulations. Section 2(d)(i) of the Enabling Regulations states "*Any proposed development for which an Environmental Impact Report (EIR) is required to be prepared under the provisions of MEPA shall be deemed a DRI. The Applicant shall file a DRI application for the proposed development to the Commission for review as a DRI*."

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Where proposed development qualifies as a DRI, Section 12(k) of the Act and Section 7 of the Enabling Regulations allow any Applicant to apply to the Commission for an exemption from Commission review because *"the location, character and environmental effects of the development will prevent its having any significant impacts on resources, values and purposes protected by the Act outside of the municipality in which the development is to be located*."

In preparation of this exemption request, the Applicant has reviewed the Commission's Regional Policy Plan (2018, amended March 30, 2021), the technical bulletins, the Act, and the Enabling Regulations. The Project will not have any significant impacts on the values and purposes specified in Section 1 of the Act outside of the municipality in which it is proposed. Additionally, in accordance with Section 1(c) of the Act, this project is in line with the Commission's purpose to have a **provision for adequate capital facilities, including water supply, and is expected to greatly benefit public health by increasing the supply of clean drinking water.** For these reasons, the Applicant respectively requests an exemption from the Commission's DRI review.

As part of the exemption request, the Applicant is submitting a completed application, a copy of the EENF and Rollover EIR, a copy of the Straightway Stormwater Report, and, in accordance with Section 10(a)(i)(6), *Noticing, Decisions, and Appeals, of the Enabling Regulations*, a certified list of abutters (and labels) which include those "land owners directly opposite on any public or private street or way and owners of land located within 300 feet of any boundary of the proposed project".

Thank you for your consideration of our request. If you have any questions or concerns, please reach out to me at kryan@kleinfelder.com.

Sincerely,

KLEINFELDER



Kirsten Ryan
Senior Project Manager

cc: Mr. Hans Kejser, Town of Barnstable
Mr. Matthew Wrobel, Town of Barnstable
File

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Submission Components:

1. Application Cover Sheet
2. Certified Abutters List and Labels – labels will also be printed and mailed
3. Copy of Deeds
4. Expanded Environmental Notification Form
5. Secretary's Certificate- Expanded Environmental Impact Report and Approval of Rollover Environmental Impact Report
6. Draft Environmental Impact Report
7. Straightway Stormwater Report

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