

Margaret Emslie, Administrator  
Falmouth Conservation Commission  
Town Hall Square  
Falmouth, MA 02540

December 3, 2002

Ms. Emslie:

At your request, the Buzzards Bay Project will review stormwater designs contained in a Notice of Intent (NOI) before the Falmouth Conservation Commission. The project proposed is a commercial retail development (Douglas Shearer applicant), located at Clausons Corner near Rt. 151. Portions of the project are located within the 100-foot wetland buffer, which also contains a Massachusetts Threatened Species-- *Asclepias purpurascens* (Purple Milkweed). These specimens are purportedly among the last remaining documented in Massachusetts, and the species is expected to be elevated to "Endangered" status in the 2003 species list to be issued by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). The hearing for this project's NOI has been continued until 12/18/02.

Specifically, the Buzzards Bay Project will evaluate whether submitted plans comply with the Falmouth Wetland Bylaw and the supporting Falmouth Wetland Regulations (FWR). The nearby isolated wetland is not a jurisdictional wetland pursuant to the State Wetland Protection Act. We will therefore limit our review to whether the proposed designs comply with FWR 10.16(3) (Stormwater Management) and FWR 2.00 (Standards and Specifications for Stormwater Management Systems). We will also attempt to determine, based on the designs provided, whether there will be a net increase or decrease of stormwater in the buffer zone.

The Buzzards Bay Project does not have the expertise to review the impacts of stormwater on the Purple Milkweed, nor evaluate what impacts stormwater contaminants like road salts or hydrocarbons may have on this species. However, it is our understanding that the Massachusetts NHESP is reviewing this project for compliance with the Massachusetts Endangered Species Act. The Falmouth Conservation Commission may also wish to consult with either Elizabeth Farnsworth of the New England Wild Flower Society, or Mario DiGregorio of Horlsey and Witten Environmental Consultants, as they coauthored the December 2001 report titled "New England Conservation Program, Conservation and Research Plan: *Asclepias purpurascens* L. Purple Milkweed."

We expect our review of the existing plans to be complete by this Friday, December 6.

Sincerely,

Joseph E. Costa, PhD  
Executive Director

CC: Paul Somers, Massachusetts NHESP