TOWN OF BOURNE
Office of the Town Planner
TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 ext. 1301

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ASSISTANT TOWN PLANNER
JKrueger@bourne-ma.gov

October 26, 2026

Cape Cod Commission
Mr. Jeffrey Ribeiro, Regulatory Planner
3225 Main Street
P.O. Box 226
Barnstable, MA 02630

Re: Algonquin Gas Pipeline Replacement, Bourne, MA
CCC Project #25012

Dear Mr. Ribeiro:

This letter is to provide commentary on the local permitting requirements on the above-mentioned project's consistency with the Town of Bourne's Zoning Bylaw and the Local Comprehensive Plan.

The applicant, Algonquin Gas Transmission, LLC, submitted an application to modify existing interstate natural gas transmission facilities to accommodate the planned replacement of the Bourne and Sagamore Bridges by the Cape Cod Bridges Program by removing, abandoning, and relocating portions of existing natural gas pipelines and associated metering and regulating facilities that interact with bridge-supported and bridge-adjacent infrastructure. The project spans many parcels in the Bournedale area, North Sagamore, and on the Cape side along the northern and eastern edge of Joint Base Cape Cod primarily within existing utility easements and power lines.

The proposed development appears consistent with the Town of Bourne Local Comprehensive Plan (LCP) energy goal to assure an uninterrupted supply of electricity, natural gas, and communications services to all Bourne residents and businesses, despite changes in climate and weather patterns. The LCP states that Bourne's planning should remain flexible enough to enable use of new energy sources while continuing to encourage conservation and more efficient use of all types of energy.

In addition, the project appears consistent with the energy action item to work with utility companies to locate the most vulnerable distribution systems underground and with the energy policy to promote diversification of electrical sources to reduce reliance on the regional grid.

In the summer of 2026, the Bourne Conservation Commission reviewed and approved work within jurisdiction of the State Wetlands Protection Act. The Commission approved an Order of Conditions (OOC) on 8/6/2026 and issued it on 8/7/2026. Additional materials reviewed during the public hearing included:

- Division of Marine Fisheries email correspondence with Amanda Davis dated 7/15/2026
- Notice of Intent Wetland Application presentation dated 7/16/2026
- Natural Heritage and Endangered Species Program email correspondence with Lauren Glorioso dated 7/17/2026

The Bourne Conservation Commission included an additional special condition "All conditions for work within Estimated Habitat of Rare Wildlife provided by the Natural Heritage and Endangered Species Program as part of the streamlined MESA/Wetlands Protection Act review for this Notice of Intent are incorporated into this Order of Conditions, as stated in the email dated 7/17/2026 from Lauren Glorioso. If NHESP issues a formal letter, it is incorporated into this Order of Conditions."

Lastly, in the winter of 2026, the Bourne Conservation Commission reviewed and approved Article 97 impacts and mitigation.

Thank you for the opportunity to provide comments on the project. This project will be continually monitored and reviewed along with the Commission's Development of Regional Impact (DRI) process and if any issues or concerns are found they will be forwarded to the Commission as soon as possible.

Respectfully,

Jennifer Copeland
Town Planner

Cc: Planning Board
Marlene McCollem, Town Administrator
Eleanor MacKay, Building Commissioner
Stephanie Fitch, Conservation Agent

Enc: Letter Article 97 Plan Update dated Jan. 22, 2026
Town of Bourne Order of Conditions SE7-2406 dated Aug. 7, 2026

Algonquin Gas Transmission, LLC
890 Winter Street
Suite 320
Waltham, Massachusetts 02451

January 22, 2026

Town of Bourne Conservation Commission
24 Perry Avenue
Buzzards Bay, MA 02532-3441

Attention: Stephanie Fitch, Conservation Agent

RE: Algonquin Gas Transmission, LLC – Cape Cod Canal Pipeline Relocation Project
FERC Docket #CP25-552-000
Easements Required on Town of Bourne and Town of Bourne Conservation Commission Property
Tax Map 10, Block 5, Lot 0
Tax Map 10, Block 6, Lot 0
Tax Map 20, Block 54, Lot 0

Dear Ms. Fitch:

Algonquin Gas Transmission, LLC ("Algonquin") is an interstate natural gas transmission company that maintains and operates interstate pipelines extending from New Jersey through the states of New York, Connecticut, Rhode Island, and Massachusetts. Algonquin has been delivering natural gas to Massachusetts since the 1950s. Our interstate pipeline network includes four existing pipelines (the G-8C, G-8L, G-11 and G-24 pipelines) located in the Town of Bourne, Barnstable County, Massachusetts. These pipelines deliver natural gas to the local natural gas distribution company and a local power plant.

As you are aware, the Commonwealth of Massachusetts is planning to replace both the Bourne and Sagamore Bridges (collectively the "Bridges"), and for this important bridge replacement project to occur Algonquin and National Grid (our "Customer") must relocate existing pipeline infrastructure located on and in close proximity to the Bridges. The replacement of the infrastructure located on and in close proximity to the Bridges is known as the "Cape Cod Canal Pipeline Relocation Project" or "Project." Attached to this letter as Exhibit A is a project overview map that provides a broad overview of the scope of the Project.

The Project will require temporary and permanent easements respecting four parcels of land either owned by the Town of Bourne or the Bourne Conservation Commission. We understand that the granting of these easements on three of the parcels is subject to Article 97 of the Massachusetts Constitution, Massachusetts General Laws Chapter 3, Section 5A (the "Open Space Act") and the Article 97 Land Disposition Policy of the Massachusetts Executive Office of Environmental Affairs (the fourth parcel of land is not subject to the Article 97 process; however, Algonquin will

pursue the acquisition of a new pipeline easement from the Town of Bourne at the same time as it implements its Article 97 plan).

The purpose of this letter is to provide an overview of the Project and to seek the Conservation Commission's approval to use the properties that are subject to Article 97 for this important Project. In order for Town officials to review our request we are presenting the following information to the Conservation Commission:

Appendix A – Project Impacts on Town or Conservation Commission Owned Article 97 Land

Appendix B – Alternatives Analysis

Appendix C – Appraisals

Appendix D – Plan to Compensate for Impact to Impact to Town or Conservation Commission Owned Article 97 Land and to Provide Replacement Land

Appendix E – Legal Requirements AGT is seeking to meet by coming before the Conservation Commission

Project Schedule:

The Project has a scheduled in-service date for the Sagamore M&R stations in January 2028 and a scheduled in-service date in November 2028 for the Bourne M&R stations. This requires construction of the Project to begin by January 2027.

We respectfully request consideration of this matter by the Town of Bourne Conservation Commission once it has had the opportunity to review the materials provided. However, in order to meet the overall Project schedule we would request the opportunity for this application to be heard at the Conservation Commission meeting scheduled for December 18, 2025.

Very truly yours,

Nancy Kist
Senior Advisor, Lands & ROW

Appendix A
Project Impacts on Town or Conservation Commission Owned Article 97 Land

The Project will impact the following Town of Bourne or Town of Bourne Conservation Commission Lands:

Tract Name	Owner	Article 97	Site Address	Tax Parcel Number
G-31-MA-BA-001	Town of Bourne	Yes	0 Bournedale Road Bourne, MA	10.0_5_0
G-31-MA-BA-006	Town of Bourne Conservation Commission	Yes	0 Bournedale Road Bourne, MA	10.0_6_0
G-8-MA-BA-130.001.AR	Town of Bourne - Conservation Commission	Yes	0 Deseret Dr, Bourne, MA (Nightingale Pond Conservation Land)	20.0_54_0

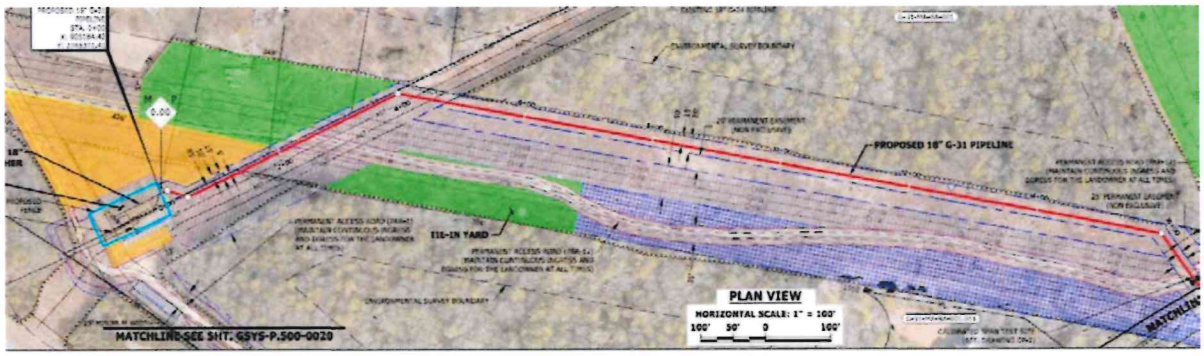
A summary of the areas of the three properties that will be subject to either temporary or permanent easements necessary to implement the Project follows:

Tract Name	Owner	Tax Parcel Number	Permanent Easement needed for pipeline facilites that are ***not within*** Eversource ROW	Permanent Easement ***within*** Existing Eversource ROW	Temporary Workspace	Permanent Access Non-Exclusive Road Rights Requested ***within*** Existing Eversource ROW (Seeking Non-Exclusive Use of Existing gravel/dirt roads)
G-31-MA-BA-001	Town of Bourne	10.0_5_0	0	62,590 SF 1.437 acres	347,995 SF 7.989 acres	50,195 SF 1.152 acres
G-31-MA-BA-006	Town Of Bourne Conservation Commission	10.0_6_0	0	0	81,945 SF 1,881 acres	7,595 SF 0.174 acres
G-8-MA-BA-130.001.AR	Town of Bourne - Conservation Commission	20.0_54_0	0	0	1,950 SF 0.045 acres	0

Tract G-31-MA-BA-001 – Owned by Town of Bourne – 0 Bournedale Road, Bourne, MA, Tax Map 10.0, Parcel 5, Lot 0.

This parcel of land has an area of approximately 81 acres. At the time the property was acquired by the Town of Bourne, the property was already encumbered by existing pipeline easements

granted to Algonquin, existing Eversource electric easements and other encumbrances of record.[1] To implement the Project, Algonquin needs to acquire new permanent pipeline easement rights within the existing Eversource right of way (ROW), temporary workspace within the Eversource ROW and the right to use the existing gravel/dirt roads within the Eversource ROW on a non-exclusive basis to access the pipeline easement after it is constructed for ongoing operations and maintenance activities associated with pipeline operations. The below image is an excerpt from the alignment sheet filed with the FERC depicting these necessary easement areas:



This alignment sheet identifies the location of our existing pipeline easement on the Town of Bourne parcel. The box highlighted in light blue depicts the location of our existing valve site that will be expanded in a northerly direction onto the adjoining lands of the abutting private landowner. The red line is the proposed pipeline which moves northeasterly out of the existing valve site within our existing pipeline easement for our G-11 and G-24 pipelines before turning south into the existing Eversource ROW on the Town's land. The pipeline proceeds across the Eversource ROW until reaching Bournedale Road. A 50-foot-wide permanent easement is necessary, of which 25 feet would be for the exclusive use of Algonquin to construct, install, operate and maintain our pipeline and the adjoining 25 feet would be for non-exclusive use in perpetuity so that Algonquin and Eversource would both have use of this area for maintenance of their respective facilities on an ongoing basis. The above excerpt also depicts the existing limits of the Eversource easement on the land as well as the location of the existing dirt/gravel access road that we are seeking the right to use on a non-exclusive basis in perpetuity (called Permanent Access Road or PAR on the alignment sheet) as well as the areas of temporary workspace (blue single hatching and blue double hatching) that we will only need to use temporarily during the construction of our pipeline.

On this 81-acre tract of land Algonquin needs 1.437 acres (or 62,590 SF) of perpetual pipeline easement within existing Eversource ROW. Algonquin also needs temporary workspace of 7.989 acres (or 347,995 SF) of land and 1.152 acres (or 50,195 SF) of non-exclusive use of the existing gravel/dirt roads within the Eversource ROW for access.

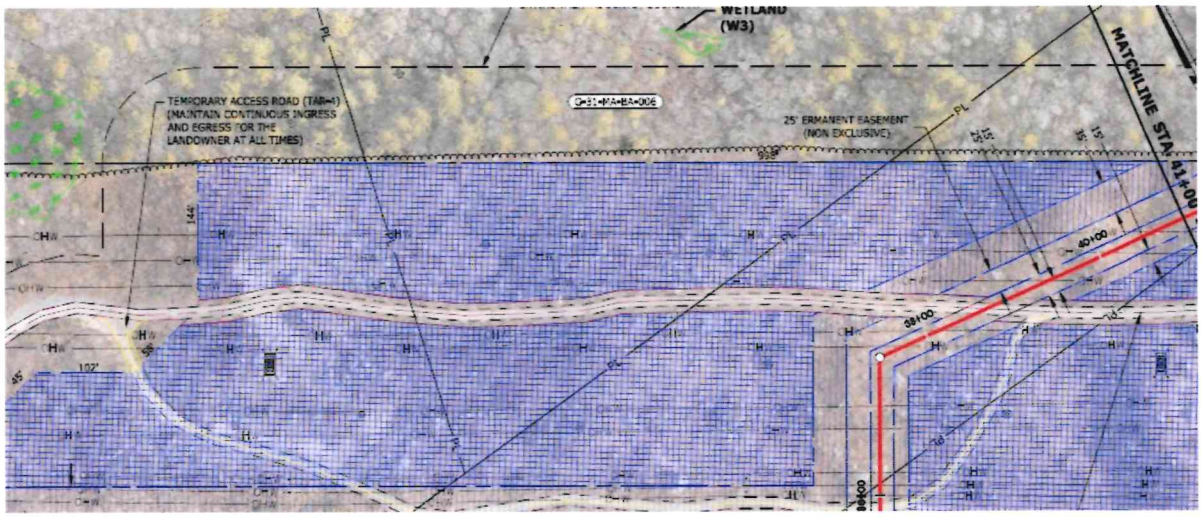
No tree removal is planned on this tract of land, as a result, no timber appraisals have been obtained.

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[1] The Limited Title Certificates for all three parcels discussed herein were provided to the Town of Bourne by Algonquin.

Tract G-31-MA-BA-006 – Owned by Town of Bourne Conservation Commission – located at 0 Bournedale Road, Bourne, MA, Tax Map 10.0, Parcel 6, Lot 0.

This parcel of land has an area of approximately 10.67 acres. At the time the property was acquired by the Town of Bourne Conservation Commission the property was already encumbered by the existing Eversource electric easements and other encumbrances of record. To implement this Project, Algonquin needs to acquire temporary workspace within the Eversource ROW and the right to use the existing gravel/dirt roads within the Eversource ROW on a non-exclusive basis to access the pipeline easement after it is constructed for ongoing operations and maintenance activities associated with pipeline operations. Excerpted below is the alignment sheet filed with the FERC depicting these necessary easement areas:



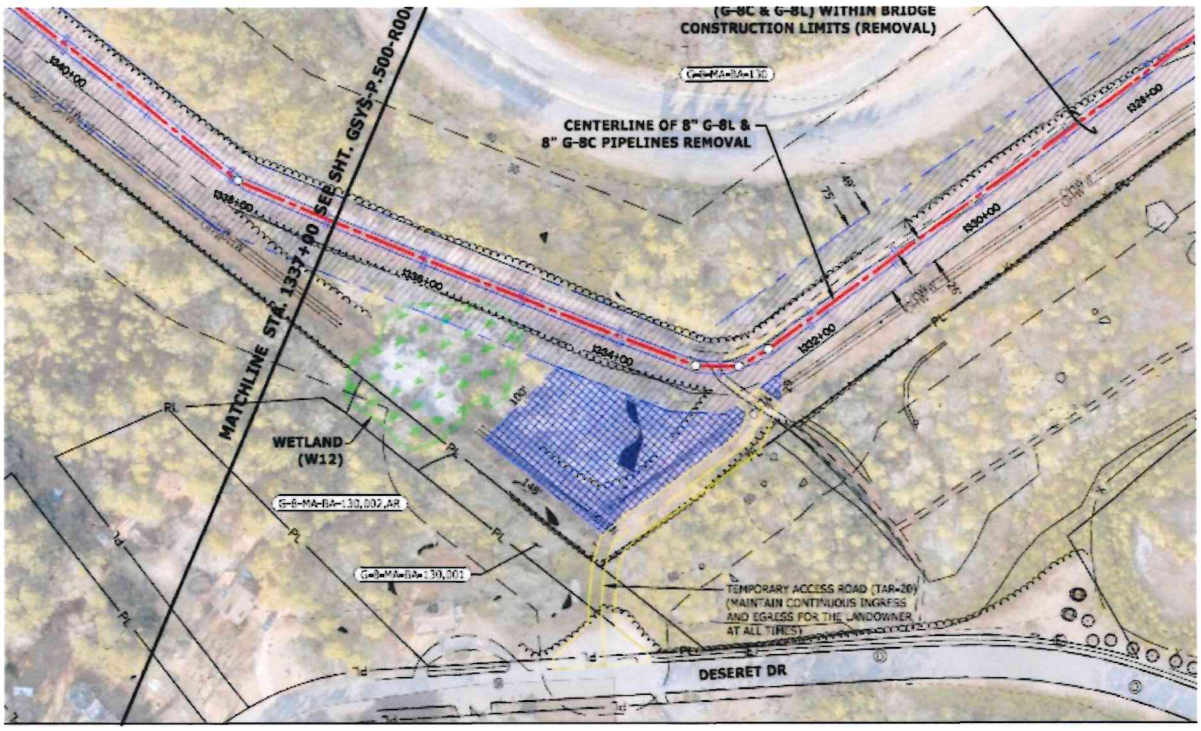
This excerpt depicts the Town of Bourne Conservation Commission parcel as land adjacent to the planned pipeline installation on adjacent properties. The Project needs to use this parcel as temporary workspace as well as an existing dirt/gravel road bisecting the area with the blue hatching on a non-exclusive basis in perpetuity (called Permanent Access Road or PAR on the alignment sheet). The areas of temporary workspace are shown as blue double hatching and would only be used temporarily during the construction of our pipeline.

On this 10.67 acre tract of land Algonquin needs 1.881 acres (or 81,945 SF) of temporary workspace and 0.174 acres (or 7,595 SF) of permanent non-exclusive use of the existing gravel/dirt roads within the Eversource ROW for access.

No tree removal is planned on this tract of land, as a result, no timber appraisals have been obtained.

Tract G-31-MA-BA-130.001.AR – Owned by Town of Bourne Conservation Commission – located at 0 Bournedale Road, Bourne, MA, Tax Map 20.0, Parcel 54, Lot 0.

This parcel of land has an area of approximately 18 acres. At the time the property was acquired by the Town of Bourne Conservation Commission, the property was already encumbered by existing pipeline easements granted to Algonquin and other encumbrances of record. Algonquin needs to acquire a temporary access road to gain access to its existing pipeline adjacent to the existing Massachusetts Department of Transportation (MassDOT) Right of Way for Project activities. Excerpted below is the alignment sheet filed with the FERC depicting these necessary easement areas:



This excerpt identifies the location of our existing pipeline (red line) in the Mass DOT right of way. The yellow lines in the bottom center of the above image depict a proposed temporary access road from an existing pull-off area on Deseret Drive that would be used to gain access portions of our existing pipeline that are slated to be removed to facilitate the replacement of the Bridges.

On this 18-acre tract of land Algonquin needs 0.045 acres (or 1,950 SF) of temporary workspace to use as a temporary access road. No tree removal is planned on this tract of land, as a result, no timber appraisals have been obtained. Because all of the permanent impacts of the Project on this parcel will occur on only 0.045 acres of the Project, the impacts to Article 97 interests will be negligible.

Appendix B
Alternatives Analysis

Introduction

This Article 97 Alternatives Analysis provides the following information relative to the use of property owned by the Town of Bourne and the Bourne Conservation Commission subject to Article 97 of the Massachusetts Constitution as specified in Massachusetts General Laws Chapter 3, Section 5, the Open Space Act, and the Massachusetts Executive Office of Energy and Environmental Affairs' Article 97 Policy (hereafter "Article 97 land"):

- Public purpose of the Project;
- Alternatives considered to avoid impacts to Article 97 land and the infeasibility of the alternatives;
- All feasible measures taken to avoid or minimize impacts to Article 97 land; and
- Unavoidable impacts of the Project to Article 97 land.

Public Purpose of the Project

The purpose of the Project is to remove, abandon, and relocate segments of Algonquin's existing infrastructure to accommodate the requirements of the Cape Cod Bridges Program ("CCBP") and to continue providing uninterrupted natural gas service to the Customer by replacing the Customer's two existing pipelines, one located on the Bourne Bridge and one on the Sagamore Bridge, with new natural gas infrastructure designed to meet the same natural gas capacity requirements.

Natural gas supply is currently transported from the Algonquin interstate pipeline system to two existing Customer delivery points in the Town of Bourne located on the "mainland" north of the Cape Cod Canal. One delivery point is an existing metering and regulating ("M&R") station located at the intersection of U.S. Route 6 ("Route 6") and Massachusetts Route 25 ("Route 25") at the Bourne Bridge (Bourne M&R Station), which supplies Customer's Bourne Take Station. The second delivery point is an existing M&R station located south of the Route 6 and Massachusetts Route 3 ("Route 3") interchange at the Sagamore Bridge (Sagamore M&R Station) and supplies Customer's Sagamore Take Station. Customer transports this gas across the Cape Cod Canal to its customers via two high-pressure 10-inch diameter pipelines, one of which is attached to the Bourne Bridge, with the other attached to the Sagamore Bridge. These bridge-attached pipelines, as well as the joint M&R/Take station sites and segments of connecting pipe, cannot remain in their existing locations and must be relocated to accommodate the CCBP requirements. Both of the M&R/Take stations are located within the footprint of the planned CCBP workspace and the footprints of the new bridges. MassDOT and Algonquin entered into an agreement whereby Algonquin will construct two replacement pipelines and associated facilities to provide the same natural gas transportation capacity for Customer's distribution system on the mainland and Cape Cod as currently exists.

Exhibit A depicts: (1) Algonquin's existing facilities that must be removed to accommodate the CCBP workspace and new bridge footprints in green; (2) Algonquin facilities that will be relocated in purple; and (3) the replacement pipeline facilities in red.

Alternatives Considered to Avoid Article 97 Impacts and Why Avoidance is Infeasible

Algonquin examined a number of pipeline routes for this Project, and due to the constraints described below, none of those pipeline routes avoid impacts to the Article 97 land. While a no-action alternative would avoid all impacts to Article 97 land, it would not allow Algonquin to meet the Project's purpose which is to facilitate the MassDOT CCBP and ensure an uninterrupted supply of natural gas to Customer's existing Bourne-Cape and Sagamore-Cape distribution systems. Algonquin considered two potential no-action scenarios:

1. Algonquin does not relocate its existing M&R station facilities and associated pipelines on the Bourne-Mainland to accommodate the CCBP development areas for the Bourne Bridge and Sagamore Bridge; and

2. Algonquin does not construct a new pipeline across the Cape Cod Canal to replace natural gas service lost when Customer's two high-pressure pipelines on the bridges are removed.

No-action Alternative Scenario 1 would require the CCBP to redesign its bridge and road project to avoid Algonquin's existing pipelines and M&R stations. Accordingly, this no-action alternative would not meet the purpose of the Project and it is therefore not a viable alternative.

No-action Alternative Scenario 2 would remove but not replace the two high-pressure pipelines supplying gas to Customer's Cape Cod gas customers. These two pipelines (and their replacements) are essential components of a system providing service for residential and commercial heating. Removing this natural gas supply to Cape Cod would result in no fuel for residential and commercial heating until alternative energy supplies and heating systems could be developed and deployed (while Algonquin has its existing G-24 pipeline that crosses the Cape Cod Canal, due to the diameter, contracted deliver obligations, and delivery location in Sandwich, that pipe cannot handle the increased delivery needs and delivery locations necessary to accommodate Customer's delivery requirements). Therefore, the purpose of the Project would not be achieved under No-action Alternative Scenario 2 and it is therefore not a viable alternative.

Measures taken to avoid and minimize impacts to Article 97 land

Algonquin's initial pipeline route for the replacement portion of the Project was located generally parallel, and adjacent to, the Eversource powerline right of way on both sides of the Cape Cod Canal. That route would have crossed generally the same parcels of land as the current route. This initial proposed route, however, would have required clearing a significant number of trees and other vegetation in order to establish a fifty-foot (50') wide pipeline easement along approximately 4.6 miles of the replacement pipeline route.

The landowners and other stakeholders objected to this clearing that would have been required for this initial pipeline route. In order to minimize impacts to Article 97 land, Algonquin revised its pipeline route so that it is collocated within the existing, cleared Eversource right of way (Algonquin and Eversource will enter into a colocation agreement evidencing Eversource's support of the proposed pipeline location) and this is depicted on as the red line on Exhibit A.

The existing, cleared Eversource transmission line corridor that crosses the canal and the additional corridors on Joint Base Cape Cod provide Algonquin with the best opportunity to collocate its pipeline facilities with existing linear corridors, offering the following advantages relative to potential impacts to Article 97 lands:

- Minimal impact on the public purposes for which the Article 97 lands are owned through the use of existing, maintained ROWs for the project.
- Use of existing access roads within the transmission line corridor to limit or avoid need for new access roads.
- Minimization of areas requiring tree clearing due to overlap with cleared transmission line corridor.

Appendix A provides further detail regarding the substantial colocation of Algonquin's permanent easement within the Eversource ROW.

In addition to the above advantages of collocating the pipeline within the Eversource powerline corridor, Algonquin will further minimize impacts to the Article 97 properties by constructing the pipeline facilities in compliance with applicable federal and state regulations, including the requirements of all permits guidelines including the following:

- The Federal Energy Regulatory Commission's Upland Erosion Control, Revegetation and Maintenance Plan;
- The Federal Energy Regulatory Commission's Wetland and Waterbody Construction and Mitigation Procedures;
- The Massachusetts Wetlands Protection Act, M.G.L. c. 131, section 40, and the regulations promulgated thereunder at 310 CMR 10.00, *et seq.;*
- The Massachusetts Endangered Species Act, M.G.L. c. 131A, and the regulations promulgated thereunder at 321 CMR 10.00, *et seq.;*
- The Massachusetts Public Waterfront Act, M.G.L. c. 91, and the regulations promulgated thereunder at 310 CMR 9.00, *et seq.;*
- Algonquin's Erosion and Sedimentation Control Plan; and
- Algonquin's Spill Prevention, Control, and Countermeasure Plan.

Appendix C
Appraisals

Attached to Appendix C are the following documents:

Exhibit C.1 – CBRE Appraisal Report dated November 24, 2025, for Tract G-31-MA-BA-001 – Owned by Town of Bourne – Subject to Article 97, located at 0 Bournedale Road, Bourne, MA, Tax Map 10.0, Parcel 5, Lot 0.

Exhibit C.2 - CBRE Appraisal Report dated November 28, 2025, for Tract G-31-MA-BA-006 – Owned by Town of Bourne Conservation Commission – Subject to Article 97, located at 0 Bournedale Road, Bourne, MA, Tax Map 10.0, Parcel 6, Lot 0.

Exhibit C.3 - CBRE Appraisal Report dated December 1, 2025, Tract G-31-MA-BA-130.001.AR – Owned by Town of Bourne Conservation Commission – Subject to Article 97, located at 0 Bournedale Road, Bourne, MA, Tax Map 20.0, Parcel 54, Lot 0.

A summary of the appraisal findings is as follows:

Tract Name/Owner	Tax Parcel Number	Before Value	After Value	Difference	Net Damages	Permanent Easement	Temporary Easements	Total Estimated Compensation
G-31-MA-BA-001 Town of Bourne	10.0_5_0	$ 1,458,900	$1,454,239	$ 4,661	$ -	$ 4,661	$ 28,760	**$ 33,421**
G-31-MA-BA-006 Town of Bourne Conservation Commission	10.0_6_0	$ 234,750	$ 234,357	$ 393	$ -	$ 393	$ 8,276	**$ 8,669**
G-8-MA-BA-130.001.AR Town of Bourne - Conservation Commission	20.0_54_0	$ 324,000	$ 324,000	$ -	$ -	$ -	$ 162	**$ 162**

Appendix D
Plan to Compensate the Town of Bourne or Bourne Conservation for needed Easements and to Provide Replacement Land

In accordance with Algonquin's discussion with the Bourne Conservation Commission on January 15, 2026, Algonquin and the Town of Bourne have agreed that Algonquin will provide the following compensation to the Town of Bourne for the acquisition of the necessary permanent and temporary rights on the Town owned land:

(1) Based upon the appraisal reports attached at Appendix C, Algonquin offers $34,000 to the Town of Bourne for the rights sought herein for Tract G-31-MA-BA-001.

(2) Based upon the appraisal reports attached as Appendix C, Algonquin offers the Town of Bourne Conservation Commission $10,000 for the rights sought herein on the two tracts of land identified as G-31-MA-BA-006 and G-8-MA-BA-130.001.AR.

In addition, as required by Article 97 of the Massachusetts Constitution and the Open Space Act, Algonquin proposes to transfer a fee simple interest in a portion of the properties it will acquire in the first quarter of 2026 located at Tax Map 15, Block 17, 17.1, 20, 21 and 25 consisting of 10.006 acres more or less in the Town of Bourne. The area of land to be transferred to the Town of Bourne will comprise 120,380 SF (2.76 acres) of land, which is the same amount of land that Algonquin has proposed for use as either permanent pipeline easement or permanent access road as part of the Project. The parcel to be transferred to the Town of Bourne is entirely wooded and is located behind homes located between 53 to 59 Mirasol Drive and is generally shown in the image below. Algonquin will acquire the entirety of the parcel from the current landowners for $400,000 ($39,976/acre). Therefore, the portion of the land to be transferred to the Town of Bourne has an imputed value of $110,334 for 2.76 acres. This land value is in excess of the CBRE price per acre of $4,500 as valued by them on March 28, 2025 in the attached appraisal report.

The land will be delivered to the Town of Bourne in its current wooded state, and Algonquin will not clear this land as part of its Project. No ongoing maintenance is required on this land. Comparing it to the land to be impacted by the Project clearly indicates its superiority to the land to be impacted by the Project which is currently 100% cleared in the areas to be impacted by Algonquin and unable to be vegetated due to its use as an electric utility high voltage line corridor. The replacement land is not subject to clearing requirements.

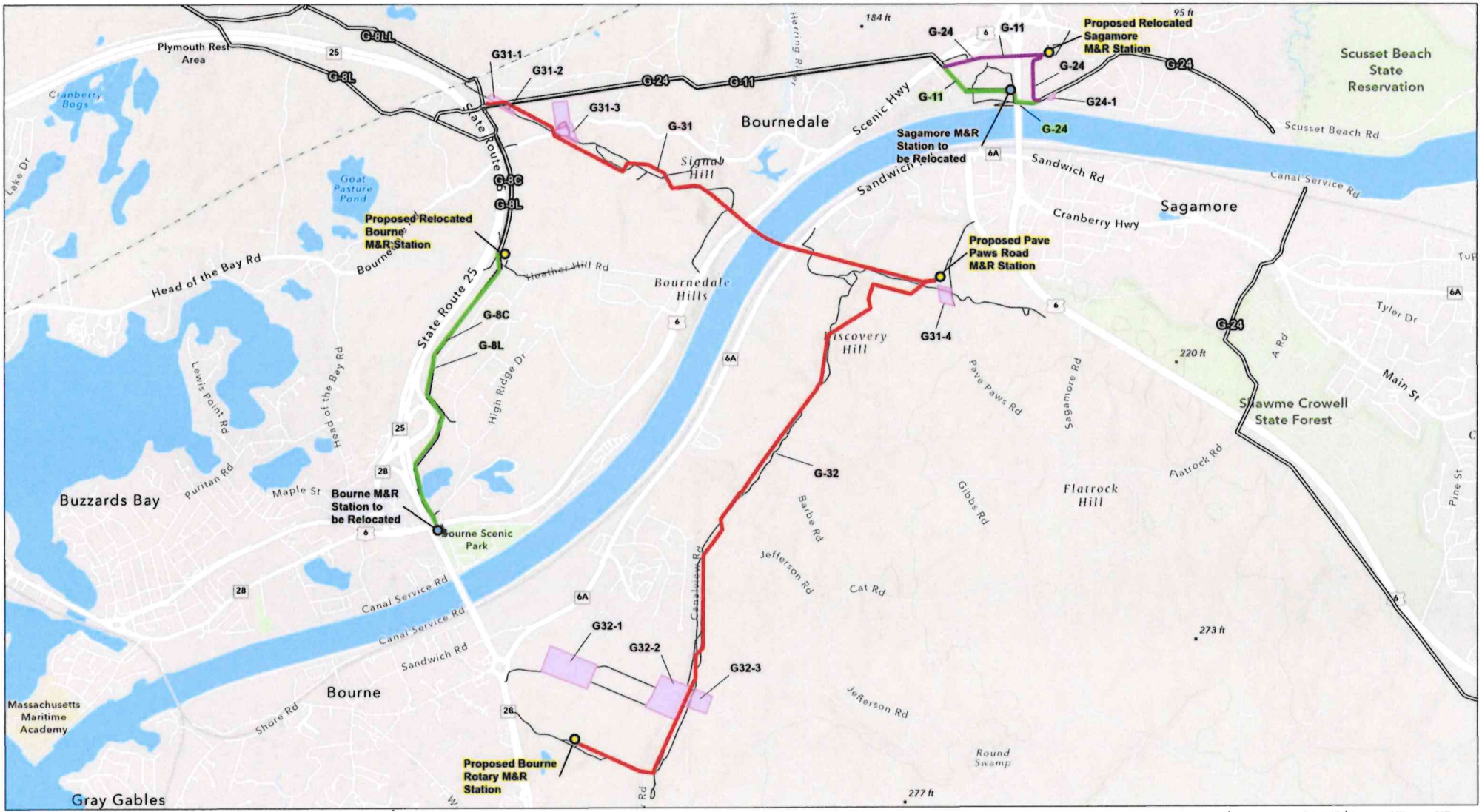

BOURNE M&R
STATION
RELOCATION
0.0
0.004
0.011
G-8L RECEIVER
G-8C RECEIVER
BOURNE M&R
STATION
RELOCATION
TAR 19
W13
PAR 9
BA-038
BA-034
BA-033
G-8-MA-BA-128.012.RD.AR
G-8-MA-BA-128.MS
G-8-MA-BA-128.009
G-8-MA-BA-128.008
G-8-MA-BA-128.007
G-8-MA-BA-128.010.RD.AR
PAR 5
G-8-MA-BA-128.006
REPLACEMENT LAND (120,380 SQ. FT.)
G-8-MA-BA-129.01
G-8-MA-BA-128.005
G-8-MA-BA-129.02
G-8-MA-BA-128.001
G-8-MA-BA-128.004
G-8-MA-BA-128.015
G-8-MA-BA-129.03
G-8-MA-BA-128.002
G-8-MA-BA-128.014
G-8-MA-BA-129.04
G-8-MA-BA-128.003

Appendix E
Legal Requirements Algonquin is seeking to meet by coming before the Conservation Commission

Algonquin is coming before the Conservation Commission seeking its approval for easements in the subject Article 97 properties held by the Town of Bourne and the Bourne Conservation Commission as a part of the process required under Article 97 of the Massachusetts Constitution as specified in Massachusetts General Laws Chapter 3, Section 5, the Open Space Act, and the Massachusetts Executive Office of Energy and Environmental Affairs' Article 97 Policy. The Massachusetts Executive Office of Energy and Environmental Affairs' Article 97 Policy states that to comply with the policy:

> [M]unicipalities that seek to dispose of any Article 97 land must:
>
> 1. obtain a unanimous vote of the municipal Conservation Commission that the Article 97 land is surplus to municipal, conservation and open space needs;
> 2. obtain a unanimous vote of the municipal Park Commission if the land proposed for disposition is parkland;
> 3. obtain a two-thirds Town Meeting or City Council vote in support of the disposition;
> 4. obtain two-thirds vote of the legislature in support of the disposition, as required under the state constitution;
> 5. comply with all requirements of the Self-Help, Urban Self-Help, Land and Water Conservation Fund, and any other applicable funding sources; and
> 6. comply with EOEA Article 97 Land Disposition Policy.

Exhibit A
Overview Map



ALGONQUIN GAS TRANSMISSION LLC
CAPE COD CANAL PIPELINE RELOCATION PROJECT

Figure 1.3-1. Project Location Map

- M&R Station to be Relocated
- Proposed M&R Station
- Existing Algonquin Gas Transmission Pipeline
- Pipeline Replacement
- Pipeline Relocation
- Pipeline Removal/Abandonment
- Proposed Access Road
- Proposed Ware Yard

Bourne, MA
USGS 7.5' Quadrangles:
Sagamore and Pocasset
NAD 1983 StatePlane
Massachusetts Mainland FIPS
2001 Feet
41.759°N 70.5665°W

1:24,000

SWCA ENVIRONMENTAL CONSULTANTS

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





1. From: Bourne — Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Brian — a. First Name
Colabella — b. Last Name
Algonquin Gas Transmission, LLC (Algonquin) — c. Organization
890 Winter Street, Suite 320 — d. Mailing Address
Waltham — e. City/Town
MA — f. State
02451 — g. Zip Code

4. Property Owner (if different from applicant):

a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

N/A - Linear Pipeline ROW Project — a. Street Address
Bourne — b. City/Town
c. Assessors Map/Plat Number
d. Parcel/Lot Number
Latitude and Longitude, if known: d m s — d. Latitude; d m s — e. Longitude

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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

N/A
a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 07/30/2026 (a. Date Notice of Intent Filed) 08/06/2026 (b. Date Public Hearing Closed) 08/07/2026 (c. Date of Issuance)

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Enbridge Cape Cod Canal Pipeline Relocation Project proposed 8" G-11, 18" G-24, 18" G-31, 16" G-32 Pipelines, and removaal of 8" G-8C & 8" G-8L Pipelines

Wood Group USA, INC.
b. Prepared By

Clay H. Willis
c. Signed and Stamped by

03/25/2026
d. Final Revision Date

N/A
e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution

d. ☒ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat

g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

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B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☒ Bordering Land Subject to Flooding	52 temp a. square feet	52 temp b. square feet	0 c. square feet	0 d. square feet
Cubic Feet Flood Storage	0 e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☒ Isolated Land Subject to Flooding	42,709 temp a. square feet	42,709 temp b. square feet		
Cubic Feet Flood Storage	0 c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
15. ☒ Coastal Banks	55,232 a. linear feet	55,232 b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☒ Land Subject to Coastal Storm Flowage	21,119 a. square feet	21,119 b. square feet		
22. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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B. Findings (cont.)

* **#23.** If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. The work is a maintenance dredging project as provided for in the Act; or
   b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
   c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number SE7-2406 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

    If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

    i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;

    ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;

    iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached text.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The Bourne Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ (1. Municipal Ordinance or Bylaw) _____ (2. Citation)

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   Bourne Wetland Protection Bylaw (1. Municipal Ordinance or Bylaw) — Article 3.7 (2. Citation)

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

   see attached text

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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

08/07/2026
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

5
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signature	Printed Name
Robert M. Gray	ROBERT M. GRAY
	Susan J Weston
	P.S. SEWED
Joseph M Soares	Joseph M Soares Jr
	Jake Gadhos

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on
9414809898643584112226
Date
08/07/2026

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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book | Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Applicant's Name: Brian Colabella, Algonquin Gas Transmission, LLC DEP # SE7-2406

Address: N/A Linear Pipeline ROW Project

This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent filed on 7/1/2026 and the Plan of Record stamped by Clay H. Willis on 6/23/2026.

Additional materials reviewed include:
- Division of Marine Fisheries email correspondence with Amanda Davis dated 7/15/2026
- Notice of Intent Wetland Application presentation dated 7/16/2026
- Natural Heritage and Endangered Species Program email correspondence with Lauren Glorioso dated 7/17/2026

In addition to the GENERAL CONDITIONS referenced in the Order of Conditions, the Commission has found it necessary to impose the following Special Conditions pursuant to M.G.L. Ch. 131, s.40 and the Town of Bourne Natural Resources Protection Bylaw Article 3.7.

THE SPECIAL CONDITIONS AND BYLAW CONDITIONS CHECKED BELOW APPLY TO YOUR PROPOSAL. NOTE THAT THE ABOVE LISTED GENERAL CONDITIONS ARE AUTOMATICALLY PART OF THIS ORDER OF CONDITIONS.

SPECIAL CONDITIONS Pursuant to M.G.L. C. 131, s. 40.

Pre-Construction

☒ 1. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

☒ 2. NO WORK SHALL BEGIN until General Condition #9 has been complied with. The Commission must be in receipt of the Registry information certificate BEFORE work begins. An Enforcement Order will be issued if work is prematurely begun without compliance with this condition.

☒ 3. ALL CONSTRUCTION MUST COMPLY WITH THE ABOVE-REFERENCED PLANS AND THE CONDITIONS OF THIS ORDER. ANY CHANGES INTENDED TO BE MADE IN THE PLANS OR IN THE WORK, SHALL REQUIRE THE APPLICANT TO FILE A NEW NOTICE OF INTENT, OR TO INQUIRE OF THE COMMISSION IN WRITING WHETHER THE CHANGE IS SUBSTANTIAL ENOUGH TO REQUIRE A NEW FILING. NO CHANGE IN PLAN OR WORK, UNDER THIS FILING IS PERMISSIBLE WITHOUT A NEW NOTICE OF INTENT, OR PERMISSION FROM THE COMMISSION. FAILURE TO COMPLY WITH THIS CONDITION WILL RESULT IN THE ORDER OF CONDITIONS (PERMIT) BEING REVOKED.

☐ 4. The Plan of Record shall be in full compliance with 780 CMR Massachusetts State Building Code and the requirements the Federal Emergency Management Agency (FEMA). Specific design requirements for construction in flood zones shall be determined by the Town of Bourne Building Inspector. The final foundation design APPROVED by the Building Inspector shall automatically become a part of the Plan of Record. Noncompliance with any of the requirements of 780 CMR or those of the Building Inspector shall constitute a violation of the Order of Conditions and will be grounds for Enforcement Action and/or the non-issuance of the Certificate of Compliance. Upon requesting a Certificate of Compliance the applicant must present PROOF that his/her project has

been designed according to the Plan of Record and to the satisfaction of the Building Inspector.

☐ 5. Prior to the installation of the subsurface sewage disposal system, you are advised of the necessity to comply with, or receive a variance from, the local Board of Health Regulations & Bylaws and obtain a valid health permit. The Order of Conditions re-emphasizes this requirement and prohibits any construction prior to obtaining a Board of Health permit.

☐ 6. Since the building was or is to be constructed after August 10, 1978, and is or will be within 100' of the top of an eroding coastal bank, (310 CMR, 10.30), this Order and the Certificate of Compliance incorporate 310 CMR 10.30(5) which states: "no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions."

☐ 7. The applicant as a condition of this Order, grants to the Commission members, and agents of the Commission the right to enter, inspect, and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Act, and 310 CMR 10.00 and the Town of Bourne Wetlands Protection Bylaw Article 3.7, and may require the submittal of any data deemed necessary by the Commission for that evaluation.

☐ 8. An on-site pre-construction inspection meeting must be held between the Bourne Conservation Commission and/or agent, the contractor responsible for implementing the project, and if applicable, the outside consultant/representative responsible for permitting. The Bourne Conservation Commission must be contacted in writing at least two weeks prior to the scheduled meeting. All sediment controls must be installed at the location of the project prior to the pre-construction meeting, unless otherwise agreed upon by the applicant and the Bourne Conservation Commission.

☐ 9. The landowner and/or his contractor will notify the Commission in writing 5 days prior to the start of work. The letter shall state the name, address, telephone number (business & home phone) of the project supervisor who will be responsible for insuring on-site compliance with this Order. All sediment control devices shall be installed BEFORE the start of work.

☒ 10. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

☐ 11. No underground petroleum product storage tanks are allowed within 100' of any wetland or within any velocity (V) floodzone as indicated on the most recent FEMA floodzone maps.

Construction

☒ 12. The project engineer and contractors (and all subcontractors) must be informed of the conditions of this Order. A copy of this Order of Conditions must be available at all times at the construction site for reference. The Applicant is held responsible for compliance with this Order of Conditions.

☒ 13. Best available measures shall be used to minimize adverse effects during construction.

☒ 14. The Applicant must employ and maintain suitable erosion prevention and sediment control measures such as staked straw bales, compost filter tubes and/or straw wattles, sediment fence , siltation curtains, bark mulch, jute netting, etc. as shown on the Plan of Record and/or addressed in the Notice of Intent. This erosion prevention and sediment controls shall be maintained until all disturbed areas achieve final stabilization. Additional erosion prevention and sediment controls shall be kept on-site in order to respond to unforeseen

circumstances.

☐ 15. The applicant, owner, successors or assignees shall be responsible for maintaining any on-site drainage structures and out falls, assuring the lasting integrity of vegetative cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site wetland resource area(s) and/or off-site wetland resource area(s). The maintenance activities specified in this Order shall not expire with the issuance of the Certificate of Compliance and shall continue in perpetuity. It is the responsibility of the property owner of record to see that maintenance conditions are complied with as required by this Order.

☐ 16. Gutters and downspouts must direct flows to drywells or other appropriate controls where runoff is allowed to infiltrate the ground surface.

☐ 17. Pool water must be drained into the approved drywell. No pool water may be discharged into any wetland resource areas.

☐ 18. All drainage must be directed into a leaching type catch basin before being discharged towards or into any wetland or surface water body. All catch basins must incorporate measures to ensure the removal of pollutants such as oil and gas and must provide for adequate sediment retention. The basins and oil absorbent material shall be regularly cleaned and maintained.

☒ 19. Any refuse material generated through the project construction will be removed to an approved landfill, and in no case will these materials be allowed to be buried or disposed of on site or on abutting property. REMOVAL MUST BE DONE WEEKLY DURING THE CONSTRUCTION PHASE OF THE PROJECT. REFUSE MUST NOT BE ALLOWED TO ENTER ANY WETLAND AREAS.

☐ 20. Used petroleum products from the operation or maintenance of construction equipment and construction debris shall be collected weekly and disposed of off-site at an approved landfill. No on-site disposal is permitted.

☐ 21. Only rubber tired or tracked vehicles utilizing swamp mats/planks will be permitted to traverse the following resource areas: beaches, dunes, and saltmarshes.

☐ 22. Installation of a walkway within salt marsh must occur during salt marsh dormant season which is typically October through end of March.

☐ 23. Use of heavy equipment shall be confined to inside the limit of work as shown on the Plan of Record. All work shall be accomplished from the UPLAND side of the limit of work line.

☐ 24. The use of heavy equipment upon the saltmarsh, dunes or coastal beach is PROHIBITED. All work within these resource areas must be done by hand or with suitable equipment approved by the Commission

☐ 25. The proposed stairs shall be elevated __ feet above the existing grade. All pilings should be supported by SONO tube footings. Excavated materials shall be removed from the coastal bank.

☐ 26. Driveway must be constructed out of pervious material and maintained as such in perpetuity.

☒ 27. The surface vegetation and contours of the area shall be substantially restored.

☐ 28. All vegetation must be predominantly native and non-invasive. All plants must be allowed to grow to

maturity before pruning. All plantings will be monitored for a minimum of two growing seasons and any plants that do not survive must be replaced.

Post Construction

☒ 29. Upon completion of your project you must apply for a Certificate of Compliance. This Order will not be considered complied with until the Certificate of Compliance has been requested, granted and RECORDED at the Registry of Deeds in Barnstable. To ensure timely issuance of the Certificate of Compliance you must request the Certificate within 30 days of the completion of your project.

☒ 30. Prior to the issuance of a Certificate of Compliance, the project engineer or consultant shall certify that the project has been completed in compliance with this Order and the original Plan of Record. Any variations from the approved plan should be clearly noted and reasons given to justify the noncompliance. (see Bylaw condition/requirement also)

☒ 31. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how the completed plan differs from that shown on the plans referred to in the Order of Conditions. The as-built plan shall include, but not be limited to the following:

- All pipe/culvert inverts for inflow and outfalls, pipe slope, size and composition; location of other drainage structures; limits of fill or alteration; location of any structure and pavement within 100' of any wetland resource area (including the top of the coastal bank); the edge of each wetland resource area; the grade contours within 100' of the wetland resource areas

ASC-1) All conditions for work within Estimated Habitat of Rare Wildlife provided by the Natural Heritage and Endangered Species Program as part of the streamlined MESA/Wetlands Protection Act review for this Notice of Intent are incorporated into this Order of Conditions, as stated in the email dated 7/17/2026 from Lauren Glorioso. If NHESP issues a formal letter, it is incorporated into this Order of Conditions.

The Applicant is reminded of his/her right to Appeal this Order or any part herein to DEP within 10 days of the issuance of this Order of Conditions.