

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
February 12, 2014**

A meeting of the Cape Cod Water Protection Collaborative was held in the Innovation Room of the Barnstable County Strategic Information Office on February 12, 2014 at 9:00 a.m.

Members:

Barnstable	Mark Ells	Present
Bourne	Linda Zuern	Present
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Absent
Falmouth	Rebecca Moffitt	Present
Harwich	Larry Ballantine	Present
Mashpee	Michael Richardson	Present
Orleans	Sims McGrath	Present
Provincetown	Elaine Anderson	Absent
Sandwich	Linell Grundman	Present
Truro	Patricia Pajaron	Present
Wellfleet	Curt Felix	Absent
Yarmouth	William Hinchey	Present
County Appointee	Sheila Lyons	Absent
County Appointee	Vacant	Vacant
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Absent

Staff Present:

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission
Patty Daley	Cape Cod Commission

1. Minutes of January 8, 2014

Florence Seldin moved to approve the minutes of January 8, 2014. Sims McGrath seconded the motion. The motion passed with 10 votes in favor and one abstention.

2. 208 Update

Patty Daley, Deputy Director at the Cape Cod Commission, provided an update on the 208 planning process. She said there were about 300 people in attendance at the February 6 Stakeholder Summit. She said a summary of the key findings/principles derived from the first six months of the watershed stakeholder process was discussed at the summit. She they also discussed the number of meetings that were held during that time and said they have received good input from those meetings. She said going forward in the next six months they will be getting into more policy discussions and the focus will be on scenario planning findings and principles; regulatory, legal, and

institutional findings and principles; and implementation findings and principles. She said Beth Card of the DEP was in attendance and said the DEP will be getting more involved in the discussions. She said they are willing to have a discussion and they see a value in that. Ms. Daley said Commissioner Kimmell believes that this will be a model for not just the State; it will be a model for the whole country. Ms. Daley distributed to board members a schedule of upcoming sub-regional stakeholder meetings.

3. Town Reports

- **Town of Orleans** – Sims McGrath: They are still working on the investigative process. They received a proposal from Mike Domenica that is being considered for bundling and scoping of RFPs. They hope to have responses by mid-March.
- **Town of Brewster** – Sue Leven: A decision was just made to not ask for additional funds at Town Meeting. They have sufficient funds to complete their current scope/phase. They plan to hold another pond meeting on either the 8th or 15th of March. They are trying to put together a meeting with Pleasant Bay Watershed individuals to discuss aquaculture. At the first pond meeting they had 120 people in attendance and approximately 20 who watched it live-stream and a lot of people were interested in doing the work.
- **Town of Truro** – Pat Pajaron: They are looking at a few culvert replacements and the one in the Beach Point area needs to be replaced soon. They hired a Woods Hole group to look at options and it involves partnership with the National Seashore and Provincetown. The next step if looking at a new culvert is to look at sediment transport.
- **Town of Barnstable** – Mark Ells: They continue to participate in the 208 planning process. They have been working with Cape Cod Community College in regard to hooking up to the treatment plant.
- **Town of Mashpee** – Michael Richardson: Their plan is pretty much completed and it will be going to MEPA. It's a comprehensive plan although there are some glitches in the language. The Water District is willing to look at what has been put together and they are having good luck with the oyster project. A lot is going on that is positive.
- **Town of Yarmouth** – William Hinchey: They continue to work on bridge widening and upgrades to septic. They do have a completed plan but they were asked to go back to the drawing board. Paul Niedzwiecki and Andrew Gottlieb went to a Selectmen's meeting to discuss the 208 plan and it was a very good meeting. They are putting the finishing touches on their capital facilities plan.
- **Town of Bourne** – Linda Zuern: Tonight the Wastewater Advisory Committee is having a meeting at 5:00 p.m. There has been a lot of feedback from Curt Felix's presentation at the Board of Selectmen meeting. She attended the 208 watershed meeting and said she had some concerns about the AECOM model that they are putting together. She looked over the Senate's Docket No. 1947 and said for the record she is not in favor of it.
- **Town of Chatham** – Florence Seldin: They are proceeding with the extension of the sewer in the Stage Harbor area. They received a \$4 million grant for the Muddy Creek culvert restoration project and another \$1 million grant was received as well. They are going to move ahead on that.

- **Town of Falmouth** – Rebecca Moffitt: They received acceptance by the State to start their wastewater design plan. Falmouth is very pleased as they can now move ahead with the wastewater plan. The oyster project in Falmouth is going well and there is a lot going on in Falmouth currently.

- **Town of Sandwich** – Linell Grundman: Sandwich has completed its draft plan but it hasn't gone before the Board of Selectmen or the community yet. The sale of the 55 acres at the Golden Triangle site fell through and a wastewater treatment facility had been tied into that. She said even though the sale fell through, the benchmarks for that has helped the town with wastewater. The town has applied for a \$10 million grant for beach nourishment.

Rebecca Moffitt and Linell Grundman inquired about using the facility at the Massachusetts Military Reservation (MMR) and a study that had been done by Mass Development.

Patty Daley, Deputy Director at the Cape Cod Commission, said the Commission just finished a study on joint land use at MMR. She said they are in the process of pursuing a feasibility study to look at additional issues in regard to Upper Cape towns using that. She said Mike Domenica did a study on excess capacity with Mass Development.

Linda Zuern said a few years ago Bourne looked at the MMR facility and said it was too expensive. Ms. Daley said those are all considerations that are being looked at.

- **Town of Harwich** – Larry Ballantine: They are working on Muddy Creek. They submitted their draft CWMP to the Cape Cod Commission. They are looking at cost allocation policies and continue to move on.

4. Executive Director's Report

Andrew Gottlieb gave the following update:

- Mr. Gottlieb said there is nothing new on the wastewater legislation in the Senate.
- The CCWPC budget is being discussed by the Assembly of Delegate's Environmental Committee on February 26 at 5:00 p.m.
- Rock Harbor is countering with a different approach with a variance in the town. He said they are working on the parameters for that. Sims McGrath said the problem with his board is the \$50,000 and they are still trying to find a counter for the argument. He said perhaps they should wait a year to see what happens.
- He said in regard to the Policy for Awarding Municipal Support Funds for RFPs that was voted on by the board last month, he received two from Falmouth. He said Falmouth is committing a quarter of a million dollars to a PRB pilot study and they have requested funding from the CCWPC for \$25,000. He the second one from Falmouth is in regard to shellfishing and credit for TMDL compliance for nitrogen removal in oystering. He said the CCWPC has agreed to give them \$50,000 over a two-year period to do this.

5. Discussion of Falmouth MEPA Certificate

Patty Daley said Falmouth received a finding of adequacy/approval by MEPA for its Comprehensive Wastewater Management Plan (CWMP). Mr. Gottlieb discussed the MEPA process and said it's a high level environmental review process. He said other things are necessary and have yet to be done such as individual agency permitting. He said this sets the bar for how other towns can expect their CWMPs to be looked at. He said their approval is not a permit to do anything Falmouth still needs to go through the permitting process. Ms. Daley said the Secretary's certificate starts the Development of Regional Impact (DRI) process with the Cape Cod Commission and said a public hearing on the Falmouth CWMP DRI was held last night in Falmouth. Mr. Gottlieb said the procedural

aspect of the Commission's review process has been narrowed down to move the project forward to go to Town Meeting in April. Ms. Daley said the certificate recognizes an adaptive management plan and she explained that any Notice of Project Change would need to be filed with MEPA. She highlighted elements of the certificate and said the Commission is talking to MEPA about changes in the regulatory review process. Mr. Gottlieb said it would allow a way for certain projects to move forward as it creates a framework to deal with this. He said a project is done when water quality measures have been completed not just because a project has received MEPA approval.

Rebecca Moffitt said there has been a positive shift among people and they can have a positive discussion about it. Linda Zuern asked about the 0% funding and Ms. Moffitt said the town has retired a debt at 0%. She said it does not increase the tax rate.

6. Monitoring RFP Process Discussion

Mr. Gottlieb said an RFP on south side monitoring has been sent out and the RFP closes on Friday. He said as was done in the past the CCWPC Steering Committee was used to review the RFPs and he asked the board if they wish to do the same here.

Sims McGrath moved to have the CCWPC Steering Committee review the RFPs. Florence Seldin seconded the motion. The motion passed with a unanimous vote.

7. Discussion on Potential Partnership with MBL on Analysis of Nitrogen Atmospheric Deposition

Mr. Gottlieb said he invited Ivan Valiela, Senior Research Scientist at the MBL, to discuss the potential partnership with the County and the MBL regarding analysis of nitrogen atmospheric deposition.

Mr. Valiela explained how global conditions are changing, rain and snow from the atmosphere has been reduced by half, the role the forested area plays—delivery of water to the forest area versus the ocean area, and how efforts to reduce nitrogen loading in wastewater should continue.

Mr. Gottlieb said it's complicated and the question is what this means to Cape Cod and what to do about future land use planning. He said he would prepare and bring to the next CCWPC meeting a summary of the scope. He said it's an applied science exercise.

Bob Duncanson, Director of Health & Environment in Chatham, suggested that this is something the Technical Advisory Committee should work on.

8. Adjourn

Upon a request by Mr. Ballantine the meeting adjourned at 10:50 a.m.