



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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January 11, 2019

Technical Bulletins to the Draft Cape Cod RPP

P.O. Box 226

Barnstable, MA 02630-0226

Attn: Kristi Senatori

Erin Perry

Subject: Draft Regional Policy Plan, Water Resources Technical Bulletin

Dear Ms. Senatori and Ms. Perry,

On behalf of the Town of Falmouth, this letter provides comments on the Commission's draft Water Resources Technical Bulletin. Please consider revising the draft to incorporate the following.

Monetary Offsets

The Technical Bulletin (TB) references on page 18 that a DRI proponent may contribute a monetary offset of the project's nitrogen load of up to \$8,290/kg if the project will not connect to sewer (unsewered areas). The monetary offset is based upon Placetype and is calculated in accordance with the formula outlined in Appendix C: Monetary Nitrogen Offset. The example calculation in Appendix C depicts a calculated monetary value of \$1.13 Million for a 30-unit residential subdivision.

The example fee is substantial and has all the earmarks of an impact fee being collected by the Cape Cod Commission (CCC) on behalf of the respective community where the project is proposed. There are no references in the document as to the ultimate disposition or utilization of the offset fee(s), but it is Falmouth's position that 100% of all such offset fees collected should **not** be retained by the CCC, but rather returned (or paid directly) to the particular host community where the funds can be most effectively dedicated for local nitrogen mitigation initiatives that the community deems in its own best interests. There is

no reason for the CCC to withhold or control the use of the funds or require that particular funds must be expended for the watershed of origin. The individual Towns should be free to determine what constitutes the best use for mitigation within the community.

Wellhead Protection Areas (WHPA) & Potential Public Water Supply Areas (PPWSA)

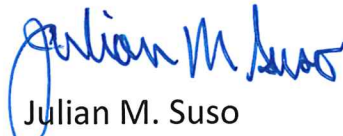
The Technical Bulletin imposes Hazardous Materials Limitations of 25 gallons (total) on site for any project proposed within WHPAs or PPWSAs. The very nature of these areas infers that municipal public water supply facilities will be sited within such areas. Municipal water supply facilities (wells/treatment plants) are permitted through MassDEP and typically include one or more chemical feed systems to meet regulatory and/or public health requirements. Chemicals are received and stored in bulk quantities that are always in excess of the proposed 25-gallon limitation.

Proposed wells or treatment plants are also subject to the DRI review process. The Technical Bulletin should exempt municipal water supply facilities from the 25-gallon limitation since no facility can meet this requirement. It is neither logical nor appropriate to subject a municipal water supply facility to the "waiver" provision of the RPP as specified in Section 8 of the draft RPP.

Thank you for the opportunity to comment on this planning initiative on behalf of the Town of Falmouth.

In closure, in order to provide further insight to us, I would ask for your assistance in providing me with a breakdown of any "offset" or "mitigation" fees that the Commission has collected to date on behalf of the Town of Falmouth as well as the current status of any such funds.

Sincerely,



Julian M. Suso

Falmouth Town Manager

Cc Board of Selectmen
Ray Jack
Frank Duffy