

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
February 18, 2015**

A meeting of the Cape Cod Water Protection Collaborative was held on February 18, 2015 at 9:00 a.m. in the Innovation Room of the Barnstable County Strategic Information Office in Barnstable, MA.

**Members:**

Barnstable	Mark Ells	Present
Bourne	Linda Zuern	Present
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Absent
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Present
Falmouth	Rebecca Moffitt	Present
Harwich	Larry Ballantine	Present
Mashpee	Michael Richardson	Present
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	David Mason	Present
Truro	Patricia Pajaron	Absent
Wellfleet	Curt Felix	Present <i>(arrived at 9:10 am)</i>
Yarmouth	William Hinchey	Present <i>(arrived at 9:30 am)</i>
County Appointee	Linell Grundman	Present
County Appointee	Lindsey Counsell	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

**Staff Present:**

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission

**1. Minutes of November 12, 2014 and December 10, 2014**

Sims McGrath moved to approve the minutes of **November 12, 2014**. Jane Crowley seconded the motion. The motion passed with 9 votes in favor and two abstentions.

Linell Grundman moved to approve the minutes of **December 10, 2014**. Michael Richardson seconded the motion. The motion passed with 10 votes in favor and one abstention.

**2. 208 Area-Wide Water Quality Management Plan Update and Discussion of the Upcoming Water Summit**

Paul Niedzwiecki, Executive Director of the Cape Cod Commission (CCC), provided an update on the 208 Plan. He said a 208 conference will be held next week beginning Wednesday evening, February 25 and all day on Thursday, February 26. He said they have received input from the CCWPC and selectmen. They have invited town officials to the 208 conference and approximately 200 people are registered for the Wednesday evening session and approximately 300 for the Thursday

session. He said the new DEP Commissioner will be speaking on Wednesday evening and on Thursday they plan to have five breakout sessions. He said there will be discussion on implementation; a lot of comments have been received and they want to address how to deal with that going forward; they want to address cost issues; WBNERR will be facilitating the discussions; and they will be giving a preview of the Final Plan that will be released the following Monday. He said things that were not possible to do 12 months ago are possible now, there are more options available in solving the problems, and it's a very positive plan.

Chair Larry Ballantine asked if anyone with expertise on municipal agreements would be there as towns need help with that. He also asked if the Conservation Law Foundation (CLF) was invited to attend. Paul Niedzwiecki said regarding municipal agreements there are tools available to help towns and he would give some thought in regard to inviting someone. Mr. Niedzwiecki said he hasn't talked to CLF but if the CCWPC Board thinks it would be helpful to invite CLF to attend then he would reach out to them. Board Members agreed that there should be a balanced discussion and CLF could explain why they started the settlement. Mr. Niedzwiecki said it may be useful to understand what the CLF sees as adequate in the Settlement Agreement. Board Members agreed to invite CLF.

Chair Larry Ballantine asked what happens if enforcement is not met. Paul Niedzwiecki said people will hear from DEP regarding enforcement. Andrew Gottlieb said the right people will be in the room to answer those questions. Linda Zuern inquired about the County being on the list as a WMA and said they have bonding. Paul Niedzwiecki said the County does have some bonding capabilities. Andrew Gottlieb said in regard to who can be a WMA they have to have bonding authority and statutory jurisdiction and the County does not qualify. Mr. Niedzwiecki said the County will be more supportive and less regulatory. Ms. Zuern questioned including freshwater ponds and asked if that was being considered. Mr. Niedzwiecki said, yes, there are standards for freshwater ponds that need to be worked on. Sue Leven inquired about the CCC reviewing CWMPs and said Brewster's is not under MEPA and not being reviewed by the CCC so does that mean no funds. Mr. Niedzwiecki said the CCC could be helpful with that and said a town could get 208 consistency without having an approved plan. Chair Ballantine said he was impressed with the comments that were received. Mr. Niedzwiecki said the comments are available on the CCC website and they will be responding to comments.

### **3. Member/Town Reports**

- **Town of Harwich** – Larry Ballantine: Harwich is looking at an area in Cold Brook; they are looking at more ponds; they are getting ready for Town Meeting; and the big issue is to create a wastewater organization.
- **Town of Orleans** – Sims McGrath: Orleans is going through the stakeholder process much like the County; they are showing signs of success; they are trying to get action on Cedar Pond.
- **Town of Falmouth** – Rebecca Moffitt: Ms. Moffitt read from a report regarding sewerage in the Maravista area; they are going out for bid for a project in the Little Pond sewer area with new discharge beds; people are concerned with the noise issue regarding the location of the Water Infiltration Plant; in regard to Bourne's Pond they are working on the opening of the inlet, bridge construction and expansion.
- **Town of Bourne** – Linda Zuern: Nothing to report.
- **Town of Brewster** – Sue Leven: They are finishing alternatives and an implementation plan and they will be moving forward getting things started; they will be using non-traditional alternatives and they will have a monitoring program; they have been talking to Orleans on how to work together on some actions and they are looking at what comes next.

- **County Appointee** – Lindsey Counsell: The Citizens Advisory Committee (CAC) in Barnstable is working on alternatives, Curt Felix gave a presentation and many alternatives could be incorporated into Barnstable’s plan; they are looking to reorganize the CAC.
  
- **Town of Eastham** – Jane Crowley: They are in the final stage of their permitting process; they have posted their first bid for a storage tank; they can now focus on wastewater management planning and they have been meeting with Orleans; they are engaging GHD to work and refine their plan; new regulatory changes will benefit the town and they are second on the list of State Revolving Fund (SRF) funding; ponds have always been part of the town’s plan.
  
- **Town of Wellfleet** – Curt Felix: they have had great success with the Herring River project, Herring River has been getting some funding and information is available on the Herring River website; they have run into some problems with Mayo Creek in regard to tidal opening and the DEP is not showing any flexibility; the oyster project is going great and they have been working with Andrew on culch in regard to Chapter 91.
  
- **Town of Chatham** – Robert Duncanson for Florence Seldin: they issued 250 sewer connections; they passed a mandatory sewer connection regulation; a few people have deferred the regulation, the Board of Health has granted some extensions, and if someone puts in an IA system they can use it for 10 years; Phase C1 is under construction; Muddy Creek Bridge is back on track and is on target for construction of the final design; the Board of Health adopted the Fertilizer Regulations last week.
  
- **Town of Sandwich** – Dave Mason: the town has had on hold its CWMP and they have been working off a grant, they have just received the final report, comments are being made by the DEP, and they are talking about extending the timeframe.
  
- **County Appointee** – Linell Grundman: Nothing to report.
  
- **Town of Barnstable** – Mark Ells: they are waiting for 208 to complete its process and they will be reorganizing the CAC; there is a smaller effort going on with Silent Spring—Silent Spring asked the town to do sampling of contaminants and they are working through the procurement aspect. Curt Felix said Silent Spring has a good database on septic.
  
- **Town of Mashpee** – Michael Richardson: the Fertilizer Bylaw has been done; aquaculture is good; they are waiting on the issue regarding the Sewer Commission versus the Water District.
  
- **Town of Yarmouth** – William Hinchey: Nothing to report.

#### 4. Executive Director’s Update/Report

Andrew Gottlieb gave a brief update:

- Chapter 91 Legislation: Mr. Gottlieb said they need to start thinking about planning and implementation; they need to start thinking about this in the spring.
- He is processing a request from Sandwich for financial assistance.
- The CCWPC won’t end the year with a balance.

#### 5. Report on the Budget for FY16

Andrew Gottlieb said the County Commissioners are voting on the budget today and he will apprise the Board regarding that. He said he will be going to the Assembly of Delegates next week to begin the process of trying to get on the state’s capital funding process for monitoring. He said CCWPC Board Members are welcome to attend Wednesday’s meeting.

## **6. Presentation of Sampling Results for Nantucket Sound**

Andrew Gottlieb said the County contracted with the Provincetown Center for Coastal Studies to do a monitoring study in Nantucket Sound. He said Amy Costa is here today to present the findings.

Amy Costa, Director of the Cape Cod Monitoring Program at the Provincetown Center for Coastal Studies, said the County received money for a monitoring program to collect data in Nantucket Sound. With the use of PowerPoint slides she presented “A Comprehensive Monitoring Program in Nantucket Sound” and discussed the goals, objectives and the findings of the monitoring program. Ms. Costa said they are in the process of making the data user friendly on an interface accessible on a website.

Ms. Costa also gave a presentation on Wellfleet’s oyster project with the use of PowerPoint slides. She said the Center is monitoring water quality for Wellfleet’s oyster reef project. She said they sampled from Duck Creek and Mayo Creek. Ms. Costa discussed the monitoring results and said 40% of the oyster reef was lost through siltation.

## **7. Adjourn**

The meeting adjourned at 10:40 a.m.

### **MATERIALS USED/PRESENTED AT THE FEBRUARY 18, 2015 CCWPC MEETING:**

- February 18, 2015 CCWPC Meeting Agenda.
- Draft minutes of November 12, 2014 and December 10, 2014.
- Attachment A—EPA Comments Consolidated on Working Draft of Cape Cod 208 Plan Update.
- Conservation Law Foundation Settlement Agreement.
- Act to Promote Shellfish Propagation MGL Chapter 91.
- PowerPoint Slide Presentation: “A Comprehensive Monitoring Program in Nantucket Sound” prepared and presented by Amy Costa, Provincetown Center for Coastal Studies.
- PowerPoint Slide Presentation: Wellfleet’s Oyster Reef Project prepared and presented by Amy Costa, Provincetown Center for Coastal Studies.