

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
December 9, 2015**

A meeting of the Cape Cod Water Protection Collaborative was held on December 9, 2015 at 9:00 a.m. in the Strategic Information Office, Innovation Room, 3195 Main Street, Barnstable, MA.

Members:

Barnstable	Mark Ells	Present (<i>arrived at 9:50 a.m.</i>)
Bourne	Stephen Mealy	Present
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Present
Falmouth	Susan Moran	Present (<i>arrived at 9:15 a.m.</i>)
Harwich	Larry Ballantine	Present
Mashpee	Tom O’Hara	Absent
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Frank Pannorfi	Present
Truro	Patricia Pajaron	Present
Wellfleet	Curt Felix	Present
Yarmouth	William Hinchey	Absent
County Appointee	Linell Grundman	Present
County Appointee	Lindsey Counsell	Present
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 October 14, 2015

Sims McGrath moved to approve the minutes of October 14, 2015. Linell Grundman seconded the motion.

Stephen Mealy referred to the Bourne Town Report on page 4 and said 7,000 gallons should be changed to 17,000 gallons.

Sims McGrath referred to the Orleans Town Report on page 4 and said AE COM should be changed to A.E. COM.

Larry Ballantine referred to agenda item 5 on page 3 and said 100% is incorrect and should be deleted.

With 11 members voting the motion to approve the minutes as amended passed with 9 votes in favor and 2 abstentions.

2. Update on the Section 208 Regional Water Quality Management Plan

Patty Daley, Deputy Director at the Cape Cod Commission, said the Commission had a meeting in Dennis to talk about wastewater, the town administrator had all the local boards get together for a one-night meeting that involved a presentation and breakout sessions to discuss wastewater. She said the meeting helped to bring local boards up to an equal level of knowledge. The SNEP program—Southern New England Division of the EPA—will be issuing an RFP for additional projects and she will share that with Mr. Gottlieb once they have more information on that. She said the RFP is for Healthy Communities Grants and there are additional funds for more projects to go forward. The Commission is working on Pleasant Bay and Three Bays watershed reports. She said the EPA grant that came to The Nature Conservancy (TNC) and the Cape Cod Commission is a two-year grant that will fund a tech conference to look at the technologies matrix in the coming year and also to transfer the planning approach from the 208 Plan outside of the Cape. She said the Commission will be involved by showing them the tools that the Commission has developed and the outreach process. She said the Commission is still waiting to receive the scope of work from the TNC and grant money from the EPA will support the work that the Commission does on that project. She said the Black Stone Valley and Taunton River, two shared waterbodies, will look at the 208 stakeholder process in the traditional, non-traditional and hybrid approaches to watershed planning. She said the Commission was out-of-state on similar lines and spoke to the New York State Department of Environmental Conservation as well as the Connecticut Water Pollution Control Association who were also interested in the 208 approach to watersheds. She said the Commission is working on municipal guidance in regard to watershed reports in advance of the EPA/DEP meeting that will be potentially held in January. She said the Commission was tasked with additional language on disposal options and on monitoring protocols. She said that will deliver on many of the promises in the 208 Plan. The Commission funded a DLTA project for the Town of Brewster for shellfish management in Pleasant Bay and it should be finalized by the end of December. She said the Commission has been approached by two different entities to do a study looking at septage and sludge and the Commission put out an email to towns about two weeks ago asking if anyone is interested in participating in that conversation. She said the plan is to work with interested towns to come up with a scope of work to hire a consultant to look at those two issues.

3. Governing Board Town Reports on Water Resource Issues

- **Town of Orleans** – Sims McGrath: The town continues to work with A.E. COM and they are stepping up their efforts and they have a specific timeline for actual results before the town's warrant closes for getting next year's items to Town Meeting; the Tri-Town Septage Treatment Plant is scheduled to close December 31, 2016 if not earlier and that means their septage will have to go somewhere else.
- **County Appointee** – Lindsey Counsell: Three Bays Preservation continues to plan pilot projects that include a variety of things such as a stormwater component and reviving the Mill Pond Marstons Mills project and their goal is to put five or six of these on the table for the town to consider in their overall planning process; hopefully late Spring/early Summer they will have an approved list of pilot projects that will be innovative in their nature and scope but also lend to further the information gathering that will go on through these pilots, and all the projects will have a monitoring component so that they can monitor any results good or bad that come out of it.
- **Town of Truro** – Pat Pajaron: Truro continues to work on Phase 2 of their IRWMP; they met last night to go over the fine tasks outlined in their Phase 2 Plan; their consultant is still working on the analysis and sampling that was done on Beach Point; they are finishing up on areas of concern on elevated nitrates and other areas where the WMP could be implemented; next month they are scheduling a number of workshops and they are looking now at management in areas where there are overlay districts, regulatory changes, and there was some discussion about phasing out cesspools.

• **Town of Brewster** – Sue Leven: They are in the process of finalizing work on the DLTA grant project to look at shellfish propagation and hopefully it will be done in a few weeks; they met on Saturday to introduce and have a discussion on proposed septic regulations and a stormwater bylaw and regulation that they are hoping to put in place in the next few months; the stormwater bylaw is a combination of advanced stormwater requirements as well as taking all the language in the bylaw and regulations and making it into one set of requirements; the stormwater regulation looks at septic systems located 300 feet upgradient and 300 feet downgradient of ponds and looks at how to address phosphorus going into the ponds; the septic regulations are Board of Health (BOH) regulations; out of 608 properties that have some connection to the upgradient and downgradient buffers, only 85 parcels are entirely within; there has been discussion on what types of septic and leach pits to use and ways to give credit for distance and depth to groundwater; the capital plan for FY17 has money in it to do remediation on phosphorus in the Mill Ponds—a collection of ponds that are all impaired due to historic loads and self-generating phosphorus.

• **Town of Eastham** – Jane Crowley: For the major construction project underway on Route 6 in Eastham, they have had almost zero complaints, Route 6 work will be winding down due to MassDOT requirements but the project is on track and they are still looking at Fall 2016 for the delivery of water; they have a library construction project that is ahead of schedule and is dependent on municipal water and delivery from the municipal water supply could delay the opening of the library; the Board of Health adopted groundwater protection regulations related to the Zone IIs; with the change from wells to municipal water supply there has been discussion to consider changes to regulations as they have stringent regulations in regard to upgrades and water supply issues have to be reconsidered; they are fully engaged with GHD working on an update to their preliminary wastewater plan from 2009 and there is a lot of information to consider together with the 208 process.

• **Town of Wellfleet** – Curt Felix: Regarding the Oyster Fest they recycled over 5 tons of shell this year which is a record and they have now recycled over 30 tons within the last five years, they had over 25,000 visitors and it was very successful event; in regard to wastewater planning they are still waiting for some comment, they had a draft report that they submitted to DEP for comment to try to get a document that they would be comfortable with and they are still waiting for word back on that.

Ed DeWitt, Executive Director of the Association to Protect Cape Cod (APCC), referred to cesspool replacements and said APCC has been petitioning DEP to update Title V to phase out cesspools and one of the things they are questioning is how big a problem it is. He said one of things APCC identified were in the 1950s and 1960s the types of installations that were done in lowlying areas. He said if the Collaborative were willing to write a letter supporting APCC's position on cesspools that might actually be helpful in this process as it's a problem Cape-wide. Chair Larry Ballantine asked Mr. DeWitt to send information to the CCWPC. Frank Pannorfi suggested seeing a draft letter supporting APCC. Andrew Gottlieb said he would send a draft to Board Members.

Board Members discussed failed systems and how often times people who buy homes don't always know that they have purchased a home with a failed system; most often that information is not disclosed to the new homeowner when they purchased their property; it's a real misunderstanding, sometimes homeowners don't question that, and it should be brought to their attention when it's a substandard system. Mr. Felix said Wellfleet has a database on cesspools that he would share with APCC. Mr. DeWitt said most towns don't have that information. Chair Larry Ballantine asked Mr. DeWitt if APCC was able to answer the question regarding the magnitude of the problem. Mr. DeWitt said APCC noted the magnitude of the problem and said he is not sure it has always been recognized as well as it has been articulated this morning.

Linell Grundman moved that the CCWPC write a letter supporting APCC. Florence Seldin seconded the motion. Frank Pannorfi said he would amend that by saying he would like to see a draft of the letter.

Mr. Gottlieb said he would send a draft to Board Members and asked that Board Members respond only to him. Sims McGrath said Orleans could provide APCC with the information they have. Chair Larry Ballantine asked Board Members to send information from their towns to Mr. Gottlieb.

A vote called on the motion to write a letter supporting APCC passed with a unanimous vote.

Susan Moran asked if there was a way to update or notify homeowners on Title V before it reaches that point. Pat Parajon said on their website they have information on requirements for property transfer. If it's a cash transfer then it goes under the table until the property owner applies for a building permit to do renovations, etc. Jane Crowley said in Eastham they are considered failed systems and she agreed with Ms. Parajon in regard to a cash transfer. Robert Duncanson said the biggest problem is that realtors don't volunteer anything that they don't have to for fear of jeopardizing a sale and that is where the problem lies. Ms. Crowley said there is a double level of review—the State and then each town has different local review criteria; some towns have a more stringent review process than others. Mr. McGrath said real estate brokers are the ones required to disclose all the information.

- **Town of Falmouth** – Susan Moran: Regarding the sewer issue Falmouth had a very difficult Town Meeting, they are trying to process this and part of the problem is the element of change; grinder pumps are considered to be a real penalty, there has been a big uproar for the town to not only buy them but to give a warranty in perpetuity, there are a few towns off Cape that have done that so they have been able to compile some information, and the town is grappling with trying to manage this right now; in terms of Bourne Pond widening they plan to dredge the barrier beach and widen the inlet from 50 feet to 92, they are in the DEP process right now, they are submitting a Notice of Project Change as the design progresses, and they are looking at year for that; they are trying to put together a plan on oysters and they are also looking at an alternative septic system to reduce the nitrogen in the pond; another EPA grant was awarded for a groundwater study in the Fisherman's Cove area, it will be monitored going forward, and they are looking to potentially install a permeable reactive barrier through the EPA grant and study.

- **Town of Bourne** – Stephen Mealy: Last month it was reported that the town was looking for funding for engineering for a new wastewater treatment plant in Bourne and now most of that has been found and they are now going forward on that; they are looking at doing a "shake and bake" unit that can go into the ground or be put on the surface—a wastewater treatment plant in a box that comes completely assembled, they are going forward with the first of one or two of these units to do 100,000 gallons immediately, in the long term they hope to tie that in with the Massachusetts Maritime Academy wastewater treatment plant at their facility and then eventually tie them all together with Wareham; it takes six months start to finish to put the plant in as it does not involve a lot of onsite construction; in Bourne there are four windmills going up on the town line between Bourne and Plymouth, the project is being run by ComEdison, it's being put up in Plymouth but it's in close proximity to Bourne, and it will impact Bourne residents.

Robert Duncanson said the "shake and bake" units are modular systems and they are called package treatment plants. Mr. Mealy said he would provide Board Members with the information Bourne has on their plan.

- **Town of Sandwich** – Frank Pannorfi: They met with the Water Quality Advisory Committee to give additional instructions to their consultant Wright-Pierce in terms of re-evaluating the assumptions that were made for their CWMP, they did use the Local Comprehensive Plan primarily as a guide, things have changed in Sandwich and they will be going back to re-evaluate that and make different calculations they believe they need to, they will integrate the 208 Plan in their

recommendations to the town, and the Plan will go to the Board of Selectmen in the Spring with their recommendations; they are in the process of setting up a meeting to effectuate watershed permitting with Barnstable and Mashpee; regarding dredging of the canal the dredge left New Jersey two days ago, they will start dredging sometime in early January, and they have a completion date for the end of March.

- **County Appointee** – Linell Grundman: Had nothing to report on for the County. Ms. Grundman said she serves on the Water Quality Advisory Committee in Sandwich. She talked about the relationship between erosion and their issues and said there is another relationship which is economic as the coastal resource people estimate a \$10 billion lost in coastal properties in the next 10 years so everything relates to the economics in a town. She agreed that things are going well with Sandwich's Plan, however, their Plan is on hold, they started working on the Plan a long time ago and she is disappointed that there is no implication in this budget season for moving forward financially and said municipalities are having a hard time finding funds. She said she appreciates the 208 process because it has allowed for education at the regional and town levels about the importance of wastewater and planning. She is disappointed that they are not implementing part of their Plan yet but she is grateful that they are where they are.

- **Town of Chatham** – Florence Seldin: Chatham will resume their wastewater project in the Spring; Muddy Creek is moving forward; the town is looking at getting private roads hooked into the sewer system.

Robert Duncanson, Director of Health & Environment in Chatham, said Chatham has a lot of private roads and they are looking at how to get sewer to private roads. He said the Board of Health has the authority under MGL Ch.83 to take easements for water, sewer and stormwater; the town is putting forward easements on private roads for water, sewer, stormwater and public utilities. Mr. Gottlieb inquired about repairs and Mr. Duncanson said repairs are included. He said it has been a difficult process. Sims McGrath asked if it comes with a long term maintenance obligation. Mr. Duncanson said it is still a private road, the town will replace the surface but they are not taking the road; they are not turning them from private roads into public roads. Once the work is done and if the road needs work five or ten years down the line, then that is back on the abutters. The town is taking an easement; they are not taking the road.

Mark Ells referred to private roads in Chatham going on sewer and asked Mr. Duncanson if the question has been asked about whether the easement allows the town to spend public money on private property. Mr. Duncanson said the question has not been brought up. Mr. Ells said this has been a huge issue in Barnstable and they have never gotten away from not servicing private roads to some level. He said Barnstable went to the legislature and got approval to use public dollars on private property; he said there is an approval process to do it. Mr. Duncanson said the work being done is basically under MGL Ch.83 for sewer. Mr. Ells said he would be happy to share Barnstable's information with Mr. Duncanson.

- **Town of Barnstable** – Mark Ells: Had nothing to report on in Barnstable.

- **Town of Mashpee** – Andrew Gottlieb: Mashpee is trying to schedule a discussion with Sandwich and Barnstable on the watershed permit; the Cape Cod Commission granted an extension for the Mashpee CWMP Development of Regional Impact (DRI) decision until May so that the watershed-permit discussions can move forward and become part of the record for the DRI decision.

- **Town of Harwich** – Larry Ballantine: Muddy Creek is moving ahead; the recharge discussions have slowed down, the discussion is that it will not happen this year and part of the discussion is that they are going back to ground zero questioning the whole CWMP, the process is going backwards, and they are going back to explaining the problem.

4. Executive Director's Report

Andrew Gottlieb gave the following report:

- Regarding activity in individual towns he is looking at ways to try to extend the 0% interest availability to Eastham for their water work; it may result in legislative language.
- Bob Ciolek, Paul Niedzwiecki and Mr. Gottlieb had a good meeting in Bourne. Mr. Ciolek will be doing some work looking at Bourne's finances.
- Chair Larry Ballantine sent an outreach to Provincetown and Dennis regarding town appointments to the CCWPC Governing Board, and requested Mashpee to appoint an alternate.
- Mr. Gottlieb and Paul Niedzwiecki are working with Falmouth; they are going to the meeting on Bournes Pond tomorrow trying to assist with that.
- There are discussions in Mashpee regarding Great River boat ramp issues, it's under construction and the issue is having a double ramp versus a single ramp. A single ramp is difficult for use and impacts shellfish harvesting and a double ramp would disturb the salt marsh area.
- At its meeting on October 14, 2015 the Governing Board approved money for the Mashpee/Falmouth Moonakis River flushing project; Falmouth approved it a few weeks ago and Mashpee approved it yesterday; Mr. Gottlieb will prepare a contract for Chair Ballantine to sign.

5. Discussion on and Acceptance of Proposed FY17 Budget

Mr. Gottlieb said the budget for FY17 is due on Friday, December 11. He said he received no particular guidance other than the budget is moving to a Munis System. He said some budgets will have to be reduced. He said he is recommending that the CCWPC budget come in at a level service budget to be allocated exactly as the existing FY16 budget was constructed. Mr. Gottlieb reviewed the line items in the proposed FY17 budget.

Sims McGrath moved to approve the proposed FY17 budget. Florence Seldin seconded the motion. A vote called on the motion passed with a unanimous vote.

6. Discussion and Update on Status of Water Quality Monitoring Program

Mr. Gottlieb said he is working on a contract with the DEP regarding the State cap and he will put out an RFP for monitoring for that. He said he will be meeting with the monitoring committee on Tuesday to go over the parameters. He said the other piece is data collection and moving the data into a public warehouse. He said he wants to talk more about that with the monitoring committee and said that would probably require another RFP. Mr. Gottlieb said he wants to break it up into two pieces.

7. Discussion on Changes to the Cape Cod Water Protection Collaborative Website

Mr. Gottlieb said he and Chair Ballantine have had a conversation on this. He said the Cape Cod Commission will give the website a new look, maintain and keep it updated. He said the question is what members would like to have on the website. Mr. Gottlieb said he would suggest keeping the meeting agendas and minutes and perhaps having a town report section as well. Curt Felix suggested perhaps having data collection information and CWMP information from towns.

8. Adjourn. The meeting adjourned at 10:55 a.m.

MATERIALS USED/PRESENTED AT THE DECEMBER 9, 2015 CCWPC MEETING:

- December 9, 2015 CCWPC Meeting Agenda.
- Draft Minutes of the October 14, 2015 CCWPC meeting.
- Handout Material: FY 17 Budget Request.