



# CAPE COD COMMISSION

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## Minutes

### Meeting of Cape Cod Commission

February 18, 2010

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

| Town                    | Member              | Present |
|-------------------------|---------------------|---------|
| Barnstable              | Royden Richardson   | ✓       |
| Bourne                  | Michael Blanton     | ✓       |
| Brewster                | Elizabeth Taylor    | ✓       |
| Chatham                 | Lynne Pleffner      | ✓       |
| Dennis                  | Vacant              | Vacant  |
| Eastham                 | Joy Brookshire      | ✓       |
| Falmouth                | Mario DiGregorio    | ✓       |
| Harwich                 | Robert Bradley      | ✓       |
| Mashpee                 | Ernest Virgilio     | ✓       |
| Orleans                 | Peter Monger        | ✓       |
| Provincetown            | Austin Knight       | ✓       |
| Sandwich                | Sue Pommrehn        | ✓       |
| Truro                   | Peter Graham        | ✓       |
| Wellfleet               | Roger Putnam        | ✓       |
| Yarmouth                | John McCormack, Jr. | Absent  |
| County Commissioner     | Sheila Lyons        | Absent  |
| Minority Representative | John Harris         | ✓       |
| Native American Rep.    | Mark Harding        | ✓       |
| Governor's Appointee    | Herb Olsen          | ✓       |

The meeting of the Cape Cod Commission was called to order on Thursday, February 18, 2010 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

Chair John Harris welcomed Austin Knight, the new Provincetown Representative to the Commission.

#### ■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said he, too, welcomes Mr. Knight to the Commission. He said Mr. Knight is a member of the Provincetown Board of Selectmen. Mr. Niedzwiecki announced that Brad Crowell has resigned as the Dennis Representative to the Commission. He said the Commission held its first Ocean Management Planning (OMP) DCPC hearing last week and said it was not well attended. He said next week there will be four hearings for the OMP DCPC on Monday, February 22<sup>nd</sup> at 4:00 pm in the Eastham Town Hall; Tuesday, February 23<sup>rd</sup> at 6:00 pm in the First District Courthouse/Assembly of Delegates Chambers; Wednesday, February 24<sup>th</sup> at 6:00 pm at the Bourne High School Library; and Thursday, February 25<sup>th</sup> at 6:00 pm at the Provincetown High School Library.

#### ■ MINUTES

The minutes of the December 3, 2009 Commission meeting were reviewed. Roy Richardson moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with four abstentions.

#### ■ MASHPEE COMMONS MODIFICATION TO THE NOTICE OF INTENT TO FILE A DEVELOPMENT AGREEMENT

Elizabeth Taylor read the hearing notice and opened the hearing at 3:10 p.m.

Page Czepiga, regulatory officer at the Commission, said Doug Storrs of Mashpee Commons was unable to attend today's hearing. She said Mr. Storrs received a copy the draft decision but has not commented on the draft decision. She said both Tom Fudala and Joyce Mason from the Town of Mashpee were invited to attend today's hearing but they are not in attendance today. Ms. Czepiga said on July 6, 2009 Doug Storrs went before the Commission's Regulatory Committee requesting a determination that the three undeveloped neighborhoods—East Steeple Street, North Market Street Phase 2, and Trout Pond—were suitable and qualified for a Development Agreement. She said the Regulatory Committee determined that proposed development of the three neighborhoods qualifies as the proposed project met all the criteria outlined in Section 5(a) of Chapter D, Development Agreement Regulations. She said on August 20, 2009 the full Commission approved Mashpee Commons Notice of Intent to File a Development Agreement application. Ms. Czepiga said Mr. Storrs would like to modify his Notice of Intent to File a Development Agreement for the purpose of removing the Trout Pond neighborhood from consideration. She said there are many physical and planning issues associated with the parcel and he has no plans to pursue the development of the Trout Pond neighborhood at this time or in the foreseeable future. She said should he decide to proceed with development plans for the Trout Pond neighborhood in the future, he would most likely proceed through the Commission's review process as the Trout Pond neighborhood was part of the Environmental Impact Report (EIR) filed in 2001. Ms. Czepiga said no other aspects of the project have changed except for the removal of the Trout Pond neighborhood. She said the project still meets the criteria outlined in Section 5(a) of Chapter D, Development Agreement Regulations. She said the Mashpee Planning Board and Board of Selectmen continue to endorse this approach and said letters supporting this were included in Commission member packets. She said the Regulatory Committee heard this request at their meeting on February 16, 2010 and voted unanimously to recommend approval of the modification of the Notice of Intent to file a Development Agreement application. Ms. Czepiga said if the Commission approves the modified Notice of Intent today, Mashpee Commons would have until February 18, 2011 to file a Development Agreement application for the East Steeple Street and North Market Street Phase 2 neighborhoods.

Roy Richardson moved to close the hearing and the record. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Roy Richardson moved that the modification to the Mashpee Commons Notice of Intent to File a Development Agreement is suitable and moved to approve the draft decision as presented. Ernest Virgilio seconded the motion. A vote called on the motion passed with 14 votes in favor and one abstention.

#### ■ CAPE-WIDE SOLID WASTE ALTERNATIVES ANALYSIS

Patty Daley, technical services manager at the Commission, introduced Bruce Haskell of Camp Dresser & McKee and said he would be giving the presentation today.

Bruce Haskell, Camp Dresser & McKee (CDM), presented a summary report on the Municipal Solid Waste Disposal Alternatives Analysis using PowerPoint slides. Mr. Haskell gave an overview of the study prepared for the Barnstable County Solid Waste Advisory Committee (SWAC) of long-term alternatives for disposal of Municipal Solid Waste (MSW). He said the study focused on the portion of solid waste collected by towns through their transfer stations and town-operated curbside collection programs and sent out-of-town for disposal. He also discussed a future study proposed for evaluation of the recyclable portion of the MSW stream. He said the study shows that solid waste disposal from 2006 showed that 6.6 million tons were combusted or landfilled, 1.4 million tons were disposed of out-of-state, and MassDEP estimates 2.5 to 4.1 million tons will be exported by the year 2014. He said 14 Cape towns currently have long-term disposal agreements with SEMASS waste-to-energy plant in Rochester, Massachusetts. He said the current disposal tipping fees are well below market (\$18 to \$37 per ton), there is approximately 164,000 tons of MSW per year, existing disposal contracts end around 2015 and the town of Bourne landfills their MSW. He referred to a PowerPoint slide showing current hauling methods to SEMASS and said waste from Dennis to Provincetown is hauled directly from the transfer station, waste from Yarmouth and Barnstable is hauled by a regional rail transit station, and waste from the upper Cape area is hauled from local transfer stations. He said Falmouth is the only community offering curbside collection. He explained the proposed SEMASS Memorandum of Understanding (MOU) and said over the past 2½ years it was negotiated by a steering committee selected from the Council of SEMASS Communities. He said it extends the term of existing Waste Acquisition Agreements by 15 years (until 2030), it was offered to 14 Cape communities in 2009, and it increases current below market disposal tipping fee by \$40-\$45 per ton over the last five years of the existing term. He explained the results of the present value analysis on payback of MOU upfront payments and CDM's comparison of MOU tip fees to the anticipated market. Mr. Haskell explained future alternative MSW disposal facilities, potential future alternatives and provided a summary of relative transportation costs for Cape Communities. He concluded his presentation with recommendations based on the results of the summary report.

Elizabeth Taylor said what bothers her most is that we should be doing something more, such as recycling and other alternatives as opposed to just getting rid of our trash somewhere else.

Bruce Haskell said they are looking into recycling.

Patty Daley said the cost per tonnage would force towns to start thinking about increasing recycling efforts or pay-as-you-throw.

Bruce Haskell said more onus is being put on the collectors of trash.

Patty Daley said as better markets are identified that may alleviate those problems.

Peter Graham asked who would take the leadership role with towns.

Patty Daley said she would be that person. She said it's her understanding that there will be more state money for recycling. She said potentially they would hire an attorney to work with the towns. She said the Commission plans to go to all Boards of Selectmen Cape-wide to get that conversation started.

Austin Knight said single-stream recycling seems to be the move in some areas and it seems like it's the reverse of what's being said here. He said in a few weeks construction on the bridge begins. He inquired about rail transit and asked if there has been any discussion about opening rail to Yarmouth for lower Cape towns.

Patty Daley said Barnstable and Yarmouth are looking at that. She said it's an open discussion and they will continue to look into it.

Paul Niedzwiecki said this project was a direct technical assistance project from DLTA money received for projects. He said Ms. Daley has taken a leadership role in looking at more creative ways of dealing with this. He said we have come a long way in 12 twelve months and it has been a real success in supporting solid waste regionally.

Phil Goddard, environmental manager of the Bourne Integrated Solid Waste Management Facility (ISWMF), said their site went through DEP review and DRI review and was permitted as a regional facility. He said it's an integrated facility and described the types of services they can provide. He said they have a transfer station and have room for composting. He said they would like to help the County and said they are ahead on permitting and have room to grow. He said in terms of technologies they are looking at more in the way of recycling and would like to discuss this on a regional level. He said they are not just a landfill; they can offer many different services if towns want to go to their facility. He said the Bourne selectmen and town administrator are ready to work with Mr. Haskell and Ms. Daley on that effort.

Ernest Virgilio inquired as to whether the facility was run by the local community or if it's the type of thing where they go out for bids.

Phil Goddard said it's a town-operated facility. He said the town had to make a decision to go forward with a line landfill and the only way to do that was to become a regional facility. He said they created an enterprise fund as an independent entity—as an integrated facility. He said the facility is town-owned and has town employees; he said it's not a third-party entity. He said it's totally unique as it's a completely town-owned and operated facility.

Ernest Virgilio said merging local DPWs with a facility such as this is something to think about. He said he would like to learn more about that.

Phil Goddard said they would be happy to have people visit the Bourne ISWMF and learn more about what their facility has to offer.

Elizabeth Taylor inquired about the fees at the Bourne facility and asked Mr. Goddard when dealing with towns if their fee is based on tonnage or just a straight fee.

Phil Goddard said the fee is not specific to tonnage. He said they can be flexible in working with contracts. He said recycling got them into the field and they continue to move forward with that effort and how it can be used in Bourne and in the region.

Michael Blanton thanked Phil Goddard and asked if he could elaborate on what the Bourne Selectmen are considering.

Phil Goddard said they are looking at aerobic composting and bio-solids to make energy onsite. He said the advantage is that it could create energy onsite but the disadvantage is that it's very expensive. He said they have looked at technologies but they can only go so far with 6,000 tons and said they need more tons to make it work. He said the town continues to look at that possibility.

Chair John Harris asked if the town is positioning Bourne to do that.

Phil Goddard said the town continues to look at that. He said they have the capacity to meet the demand of Cape Cod communities. He said the town of Bourne is interested in working with other Cape towns on a regional level. He said Bourne would like stability in assets and is interested in working with sister communities.

Chair John Harris said he would like to see something done soon.

Phil Goddard said he is here today to make everyone aware of the facility in Bourne and the services it can provide to other communities.

Peter Monger asked how long they could predict contracts with towns.

Phil Goddard said they would meet and be compatible with 15-year contracts with towns.

Joy Brookshire said it's important for towns to appoint someone, perhaps town administrators, to come together and discuss this.

Patty Daley agreed and said she would encourage more town administrators to sit on the Board.

Ernest Virgilio said he would like to see Boards of Selectmen appoint someone from their town to work with Ms. Daley on this.

■ **OTHER BUSINESS**

Paul Niedzwiecki said construction on the Sagamore Bridge is scheduled to start on March 1<sup>st</sup>, weather permitting. He said they hope to complete work on the Sagamore Bridge and then move to the Bourne Bridge in April and May. He said they hope to complete the work without having to start construction again in the fall.

A motion was made to adjourn at 4:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary