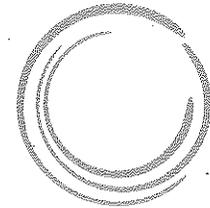


3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

**Minutes**  
**Meeting of**  
**Cape Cod Commission**

May 13, 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	Absent
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓ (arrived at 4:10 pm)
Orleans	Peter Monger	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	✓
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Sheila Lyons	✓
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	Absent



Keeping a Special Place Special

The meeting of the Cape Cod Commission was called to order on Thursday, May 13, 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 noted a change to the order of agenda items and said the Nominating Committee would announce the Slate of Officers at the end of today's meeting. He said Ernest Virgilio, who is on the Nominating Committee, would be arriving later in the meeting.

#### ■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said a joint Memorandum of Understanding with NSTAR was signed and sent to the County Commissioners last week. He said the Commission is online with planning with towns regarding rights-of-way. Mr. Niedzwiecki said he has been asked to sit on the state's new wastewater committee that will look at issues such as financing of wastewater. He said the Commission held its first annual Comprehensive Economic Development Strategy (CEDS) update in Sandwich. He said they reviewed 16 projects from last year and outlined new programs. He said if Commission members are interested, he could bring that presentation to the full Commission at some point.

#### ■ REGIONAL MULTI-HAZARD MITIGATION PLAN UPDATE

Ryan Christenberry, Commission planner, said she is here today to give an overview of the five-year update to the Multi-Hazard Mitigation (MHM) Plan formerly the Pre-Disaster Mitigation (PDM) Plan. She said the County Commissioners are the adopting body of this plan and she is here today for the Commission's endorsement of the Plan. She said in 2004 Commission staff facilitated the development of the Regional and Local Pre-Disaster Mitigation Plans for FEMA certification, as required under the Disaster Mitigation Act of 2000. She said the development and adoption of these plans allow communities in our region to be eligible for Hazard Mitigation Grant Program funds and Pre-Disaster Mitigation Program funds. She said in addition to becoming eligible for these two pots of federal discretionary funds, hazard mitigation planning represents good planning for a region particularly vulnerable to coastal storm events, it's responsible, and it promotes on the ground disaster preparedness. She said hazard mitigation permanently reduces or prevents loss of life, injuries and property damage caused by natural disasters by using long-term strategies. She said FEMA requires that these plans (formerly PDM, now MHM) be updated every five years to maintain eligibility for hazard mitigation grant funds. She said beginning in June of 2009, Commission staff worked with representatives from the Barnstable Regional Emergency Planning Committee, local officials and town planners to facilitate a process by which the Regional and Local MHM Plans could be updated. She said in 2004, nine towns participated in the Commission-facilitated planning process and FEMA certified local PDM plans for Bourne, Chatham, Eastham, Harwich, Mashpee, Orleans, Sandwich, Wellfleet and Provincetown. Ms. Christenberry explained the Regional Vulnerability Summary and said in Cape Cod's land area 46,231 acres are in the Sea, Lake and Overland Surges by Hurricanes (SLOSH) zone, there are 85 intersections of evacuation routes with SLOSH zone, there are 179 critical facilities located in a SLOSH zone, 7 critical facilities are located in a wildfire risk area, and there are 148 Repetitive Loss Properties (23 more than in 2004). She provided sample action items from the 2004 Regional Mitigation Strategy and said in 2010 they have six new items with nine carried over from the previous 2004 plan. She said over the past year, 10 towns have participated in the Commission-facilitated planning process and currently six towns—Barnstable, Truro, Eastham, Chatham, Dennis, and Provincetown—are prepared to submit Local MHM Plans for FEMA certification. Ms. Christenberry said FEMA has given conditional approval of the plan pending local adoption. She said the County Commissioners would be voting to adopt the MHM Plan and the Commission is being asked to vote to recommend endorsement of the Plan to the County Commissioners and FEMA.

Elizabeth Taylor asked if Ms. Christenberry was looking for changes or revisions.

Ryan Christenberry said not from Commission members. She said that was done through the County Commissioners during the comment period.

Elizabeth Taylor said she had made some revisions to the copy she received and asked if those changes would have to wait until 2014.

Ryan Christenberry said, yes, but the Plan can be revised any time during the five years. She said changes could be made then if Commission members have changes now.

Roger Putnam asked for the meaning of the acronym SLOSH.

Ryan Christenberry said Sea, Lake and Overland Surges by Hurricanes.

Michael Blanton asked if there was any opportunity for the Plan to be reviewed annually.

Ryan Christenberry said possibly. She said the Commission would have to work through FEMA and said she would inquire at the state.

John Harris asked Ms. Christenberry if the changes from Elizabeth Taylor would be accepted and incorporated into the plan.

Ryan Christenberry said she could incorporate Ms. Taylor's changes but there is bit of a rush to get the plan to FEMA for certification as there are two towns waiting to get on a grant program and that can't be done until the plan is certified. She said any revisions now would have to go back to MEMA for review.

Elizabeth Taylor said it's not critical that the revisions be done if it would hold up the process. She said the revisions could wait for the next time around.

Austin Knight said changes don't change the document. He said he doesn't see a problem to go forward with the plan to help those towns that are waiting for the grant program.

Jack McCormack moved that the Commission endorse sending the 2010 Regional Multi-Hazard Mitigation Plan to FEMA for recertification. Austin Knight seconded the motion. The motion passed with a unanimous vote.

#### ■ CAPE COD REGIONAL WASTEWATER MANAGEMENT PLAN

Executive Director Paul Niedzwiecki said the Cape Cod Regional Wastewater Management (CCRWM) Plan is meant to be a collaboration of data received. He gave a PowerPoint slide presentation and referred to a slide showing Cape Cod's 46 watersheds. He said 152,395 acres of watersheds cross town boundaries, 50,053 acres of watersheds are within town boundaries, and 61,458 acres are direct discharge. He said current methods of disposal continue to degrade our water and the problem is nutrients—nitrogen and phosphorus—nitrogen in the ocean and phosphorus in ponds and lakes. He said septic leaching mixes with ground water to enter into our embayments. He said some watersheds will require 100% removal of nitrogen and most of the watersheds of concern are in Nantucket Sound. He said the objective of the Plan is to restore degraded water bodies through a regional nutrient management policy promoting appropriate infrastructure and growth management mechanisms while protecting taxpayers from unnecessary costs. He noted the four categories as strategies and measures of a regional nutrient management policy as the environment, affordability, infrastructure, and growth management. He said other purposes of the Plan are to have zero percent State Revolving Fund Construction Loans for identified "flow-neutral" communities and to inform Commission Development of Regional Impact (DRI) review of Comprehensive Wastewater Management Plans and development of

a Technical Bulletin. He said coordination of wastewater and land use planning is important and said designated growth areas are smart growth. He talked about sewers and smart growth and said checkerboarding leaves land available for protection but is vulnerable to development. He explained the concept of a building footprint with and without Title V and said the smaller the lot, the more dramatic the percent increase in footprint. He said regarding infrastructure a watershed-by-watershed approach is needed and a mix of systems is appropriate such as Title V, cluster, satellite, and centralized systems and he explained wastewater management approaches with each of the systems. Mr. Niedzwiecki discussed growth management and the benefits of shared wastewater systems that would result in regionalization savings. He said unplanned growth results in increased cost and growth management saves cost. He said ultimately the Plan could be used in coordination with regional land use planning objectives and coordination with the regional Land Use Vision Maps that establish town-identified growth and conservation areas. He said the Commission's charge is to have a common sense approach with the least cost to taxpayers. He said he would like to start holding meetings and said time is running out and we need to be serious about doing the planning to accomplish this on Cape Cod.

Sheila Lyons congratulated all who have worked on the Plan. She inquired about the number of homes on the Cape that are sewered.

Paul Niedzwiecki said out of 150,000 homes on the Cape 4,800 are sewered. He said they have looked into the cost to sewer all homes and said it would cost \$8 billion and that can't be done. He said we have to find different ways and be smart.

Sheila Lyons said she likes the idea of watershed committees coming together.

Jack McCormack asked how the cost of shared infrastructure would be allocated.

Paul Niedzwiecki said nitrogen levels in towns would have to be determined.

Peter Monger asked what is being proposed to get a sense of cooperation across.

Paul Niedzwiecki said he senses that things are improving and said the Commission can only be out there trying to facilitate this. He said it may be difficult to get through town meeting but if towns don't act it doesn't mean it won't happen. He said it will happen and it will just mean that a town has lost a seat at the table. He said the Commission is not in a position to mandate this unless the Commission decides it's not going to accept Comprehensive Wastewater Management Plans unless they are shared.

Austin Knight said the checkerboard approach happened in Provincetown and it may not always be the best way to go because of cost. He said it cost Provincetown a lot of money and towns need to look at that closely.

Paul Niedzwiecki said we need to look at all those communities who are at the end of the process to learn from any mistakes.

Austin Knight said he has also seen where ground water levels have risen and that changes the whole equation for nitrogen.

Joanne O'Keefe said regional density changes because of the influx of tourists. She said she is not sure that there will be federal funding to help and said it's unfair to Cape Cod because of the influx of tourists. She said since Cape Cod is a nice place to visit, perhaps tourists should be part of the solution. She said there should be funding on a federal level to help solve the problem that has been caused by many.

Paul Niedzwiecki said the federal government has been out of financing wastewater since the Reagan Administration and said he doesn't see that changing. He said Barnstable was the last town to receive funding. He said there are several lessons here and this can't wait. He said regarding seasonal residents, if we look at transportation funding it only takes into account year round residents. However, on the wastewater side if someone owns a second home they do pay property taxes. He said the seasonal nature of the economy would impact capital infrastructure costs.

Elizabeth Taylor asked if the state would allow for any allowances for Chapter 40B housing regarding Title V.

Paul Niedzwiecki said he does not know of any discussion regarding that or that he knows about anyway.

Elizabeth Taylor asked if the state is becoming more open to alternative systems. She said there are other systems that would make a big difference.

Paul Niedzwiecki said there is no official change in policy by the state. He said there may be an internal debate at the DEP now and said they may be open to having that discussion. He said there may be some flexibility but he would not hold out hope that there is a new technology out there right now. He said the Commission would be open to those suggestions.

Lynne Pleffner congratulated staff on the PowerPoint presentation and asked if it would be given to Commission members and all Cape towns. She asked how the watershed meetings would happen.

Paul Niedzwiecki said he would be going back to Boards of Selectmen, will be asking for public participation and would invite towns to attend meetings. He said the Commission would not bypass towns and said he would go back to Boards of Selectmen.

Lynne Pleffner said watershed meetings make a lot of sense. She said eight months is not much time and this would have to be accelerated. She said she would suggest having an MOU template for towns to check off what they see as beneficial. She said she would suggest starting a marketing campaign with the press so that they can become partners in getting the word out.

Michael Blanton said Andy Gottlieb has noted that there is a diversity of solutions to the problem. He said every town would have to figure out what the right fix is for their watersheds and neighboring towns would have to cooperate.

Paul Niedzwiecki agreed and said it's common sense. He said the Cape needs to have a plan in place soon and it's not a one size fits all. He said the Commission is trying to get to that point of discussion,

Jack McCormack inquired about a water forum scheduled on Saturday, May 15<sup>th</sup>.

Paul Niedzwiecki said a water forum is being held on Saturday, May 15<sup>th</sup> at the Mattacheese Middle School. Mr. Niedzwiecki said he would be attending and the focus would be on the cost to finance wastewater systems.

Chair John Harris said this is a huge task.

Paul Niedzwiecki said it's his biggest challenge so far.

Jack McCormack moved to endorse the presentation by Mr. Niedzwiecki. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ **NOMINATING COMMITTEE: SLATE OF OFFICERS**

Lynne Pleffner said the nominating committee consisted of Ernest Virgilio, Michael Blanton and herself. She said the committee has nominated Royden Richardson of Barnstable as Chair, Peter Graham of Truro as Vice-chair, and Michael Blanton of Bourne as Secretary. She said the full Commission would be voting on the Slate of Officers at the next scheduled Commission meeting.

Roger Putnam moved that the Slate of Officers be accepted as presented. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Ernest Virgilio said last year the Nominating Committee chose John Harris to Chair for a second term. He congratulated Mr. Harris for serving as Commission Chair and thanked him for all his efforts and good work during his two terms as Chair.

A motion was made to adjourn at 4:40 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

---

Elizabeth Taylor, Secretary