

The meeting of the Cape Cod Commission was called to order on Thursday, October 29, 2009 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said the Commission held a Comprehensive Economic Development Strategy (CEDS) kickoff meeting in Chatham this week and over 50 people attended. He said they are making progress and moving forward with the implementation of the 16 projects identified in the CEDS. He said visitors from IMB attended the meeting and said they are interested in possibly using CEDS for their platform in technology. He said it was a successful meeting and a lot of people participated. Mr. Niedzwiecki said he would be updating Commission members periodically over the next several months on the CEDS. He said April is the month for the CEDS updates and said it would be reviewed annually during the month of April. He said Chapter H, the regulation by which thresholds can be raised or lowered based on land-use vision maps established by towns, would be heard by the Assembly of Delegates subcommittee next Wednesday at 2:30 p.m. and before the full Assembly at 4:00 p.m. He said it's a very important ordinance for the Commission to consider and if people would like to attend the meeting in support of the ordinance, it would be appreciated. He said the Metropolitan Planning Organization (MPO) held their election and the results of elected representatives to sit on the MPO from the upper, mid, and lower Cape sub-regions are Wayne Taylor of Mashpee, Larry Cole of Harwich, and Aimee Eckman of Eastham.

■ CHATHAM COMPREHENSIVE WASTEWATER MANAGEMENT PLAN (CCWMP)

Chair John Harris noted that this is a continued hearing from October 22, 2009.

Robert Duncanson, Director of Health and Environment in Chatham who also served as the project manager for Chatham's Comprehensive Wastewater Management Plan, said they have been working on the CCWMP for over 12 years and many of those years have been in conjunction with Commission staff in putting the plan together. He introduced Nate Weeks of Stearns and Wheler and said he would be giving a PowerPoint slide presentation outlining the process and the final plan.

Nate Weeks summarized the areas of concern and said the most important areas of concern are watersheds to coastal estuaries. Mr. Weeks presented an alternative evaluation summary and referred to the watersheds for Oyster Pond, Stage Harbor, and sub-watershed areas to the Pleasant Bay area. He said based on the work from the Massachusetts Estuary Project they identified the amount of wastewater nitrogen that needs to be removed from these watersheds to meet nitrogen limits. He showed areas where the limits are high at 100%, 75% and 50%. He also showed areas that are low at 0% due to receiving waters downgradient that are not quite as sensitive as the ones with higher numbers. He also noted that areas with a tidal creek do not have the same nitrogen standards that an open-water estuary would have. He illustrated the town's existing Wastewater Treatment Plant and said it's located in the 0% area. He described the types of technology that they looked at as the conventional Title 5 septic system (which is the culprit), individual nitrogen removal septic systems, and community cluster systems. He said the findings showed that large areas of Chatham need to remove more than 50% of the nitrogen to remediate problems in estuaries, that the best technology to address this problem is a cluster or centralized system, and that there is efficiency in upgrading the existing treatment plant because of the large volume of treatment needed. He reviewed the recommended plan and the next procedural steps in the process. He reviewed the implementation schedule for the recommended plan and said the construction contract needs to be in place by February 2010. He said from February 2010 through July 2012 would be the construction phase and that Phase 1, which is the collection system expansion, would go from the year 2010 through 2030. He described the collection system and said that Phase 2, which is the collection system and wastewater treatment facility expansion, would take place from the year 2030 through 2040. Mr. Weeks reviewed the costs of the project for Phase 1 and for sewerage the entire town.

Elizabeth Taylor congratulated the town for getting through the process and said she hopes more towns get in on this as a regional effort. Ms. Taylor thanked the town for their hard work.

Robert Duncanson said as far as regional efforts they have been talking to the town of Harwich for several years. He said Harwich wasn't able to go to them with their needs but the town of Chatham is open to further discussion with Harwich and remains open to that possibility.

Patty Daley, Director of Technical Services at the Commission, thanked Tom Cambareri, water resources program manager at the Commission, for his efforts and drafting the decision. She also thanked Robert Duncanson for his efforts. She said the policy goals for CWMP review are to protect water quality by promoting and monitoring total maximum daily load (TMDL) compliance; promote shared infrastructure in shared watersheds to support least-cost solutions and growth management; and provide flexibility for towns to implement CWMP—towns need flexibility to respond to changing conditions. She said the Adaptive Management Plan (AMP) approach continues the Commission's partnership with the towns and provides the Commission and the town with flexibility to address issues as they arise. She said Commission goals of TMDL compliance and promoting shared infrastructure to reduce costs and growth pressures, must be balanced against the town's need for flexibility in building major infrastructure projects. She said the AMP is intended to provide that flexibility. Ms. Daley said small modifications are expected to be approved at the staff level and more major modifications, such as a significant delay of TMDL compliance, would require Commission approval.

Kristy Senatori, chief regulatory officer at the Commission, referred to changes in the draft decision regarding historic and archaeological resources findings and conditions and the minutes from the October 22, 2009 public hearing that were distributed to Commission members. Using PowerPoint slides, she provided a procedural history for the CCWMP and said the town of Chatham filed for joint MEPA/Commission review in 1998. She said the Commission has reviewed five major MEPA submittals including the Environmental Notification Form (ENF), a Needs Analysis, a Notice of Project Change, the Draft Environmental Impact Report (EIR) and the Final EIR. She said the project consists of a strategy for wastewater management and reduction of nitrogen loading to protect and restore Chatham's marine embayments, address other areas of concern and includes an Adaptive Management Plan (AMP) to address its implementation. She said it's a two-phase, 30-year project with Phase 1 consisting of sewerage 72% of the town to meet the immediate wastewater and nitrogen needs of the town which is expected to be implemented over the next 20 years from approximately 2010-2030. She said Phase 2 consists of extending sewers to the remainder of the town for 100% sewerage which is expected to be implemented in the following 10 years from approximately 2030-2040. She said the project would be constructed in accordance with the AMP that addresses implementation. She referred to an illustration showing the Wastewater Treatment Plant site and pointed out those areas that are already seweraged, the sewerage identified as part of Phase 1 and the sewerage as part of Phase 2. Ms. Senatori outlined general key findings and conditions in the draft decision as well as findings and conditions regarding natural resources, historic and archaeological resources, and water resources. She said in order to approve a Development of Regional Impact (DRI), the Cape Cod Commission Act requires that the project meet certain criteria. She said as required by the Act, the project meets the minimum performance standards of the Regional Policy Plan, it is consistent with local development bylaws, it is not situated within a DCPC, and the subcommittee found that the probable benefits of the project outweigh the probable detriments. She noted the benefits to include a reduction in nitrogen load, reduction in wastewater flows, significant stormwater improvements, decrease in traffic generated, decrease in impervious coverage, and increased tax revenue. She said based on this, the subcommittee recommended approval with conditions of the Chatham Comprehensive Wastewater Management Plan to the full Commission.

Elizabeth Taylor asked the subcommittee for a motion to approve the minutes from the October 22, 2009 public hearing.

Roy Richardson moved to approve the minutes of October 22nd. Lynne Pleffner seconded the motion. The motion passed with a unanimous vote by the subcommittee.

Elizabeth Taylor said she was at a meeting where there was a discussion about the Chatham break. She asked if all the towns were going to stay with the TMDLs they have as changes happen at Pleasant Bay.

Tom Cambareri, water resources program manager at the Commission, said water quality at the break has been monitored and looked at and said it's a never changing happening. He said both Chatham and Wellfleet will be looking at that and said the TMDL number they have does stand at this point and will stay as is.

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

Roy Richardson moved to approve with conditions the DRI application of the Chatham Comprehensive Wastewater Management Plan. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ OTHER BUSINESS

Page Czepiga, regulatory officer at the Commission, said yesterday the Commission received a letter from the applicant of the Barnstable Municipal Airport project requesting withdrawal from Commission review. She said a letter was also received from the Town of Barnstable indicating that the applicant had withdrawn at the local level as well. Ms. Czepiga said there are no permits pending on this project.

Roger Putnam moved to accept the withdrawal of the Barnstable Municipal Airport project from Commission review. Sue Pommrehn seconded the motion. The motion passed with a unanimous vote.

Chair John Harris announced that Frank Hogan would be leaving the Commission as the Orleans Representative. He said along with being a Commission member, Mr. Hogan has sat on various committees during his tenure at the Commission and he thanked Mr. Hogan for all his contributions and efforts as the Orleans Representative. Chair John Harris said Mr. Hogan would be greatly missed.

Frank Hogan said after seven and a half years as the Orleans Representative to the Commission and a member of both the Regulatory and Executive Committees, he has always marveled at how Commission members coming from different political backgrounds, cultures and towns could come together and work effectively as a board and said it has been a pleasure working with Commission members. Mr. Hogan complimented Commission staff for their expertise and hard work and said he especially admired their poise and the manner in which they handled themselves with applicants and the public. Mr. Hogan said he believes regional efforts are the most important thing to consider. He said he is grateful to the Town of Orleans for asking him to be the Orleans Representative for all these years and said he has learned a great deal from his experience at the Commission.

Sheila Lyons said, as a reminder, the County Commissioners would be hosting an ethics training session on Friday, October 30th at 10:00 a.m. in the Assembly of Delegates Chamber. She said all are invited to attend.

A motion was made to adjourn at 4:10 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Elizabeth Taylor, Secretary