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**Minutes**

**Mashpee CWMP DRI Subcommittee Hearing (JR20078)**

**July 14, 2015**

**Mashpee Town Hall**

**16 Great Neck Road North, Mashpee, MA**

Subcommittee Members Present: Ernest Virgilio (Chair), Elizabeth Taylor, Joy Brookshire, John Harris, Harold Mitchell

Commission Staff Present: Jonathon Idman (Chief Regulatory Officer), Jeffrey Ribeiro (Regulatory Officer II), Elizabeth Perry (Regulatory Officer II), Tom Cambareri (Watershed Management Director), Patty Daley (Deputy Director)

Town Officials present: Mashpee Sewer Commission (Thomas Fudala [Chair], Joseph Lyons, Mark Gurnee, Thomas Burns, Glenn Santos, Paul Gobell [Administrator]); Rick York (Mashpee Shellfish Constable)

**Documents Used/Received**

1. Hearing Notice
2. PowerPoint Presentation by Jeff Gregg, GHD
3. Notes from Tom Cambareri, Commission Watershed Program Manager

**Hearing Opened**

Ernest Virgilio, Subcommittee Chair, called the hearing to order at 6:01pm and had the subcommittee members introduce themselves.

Elizabeth Taylor read the Hearing Notice.

Mr. Virgilio called for the town to present the project.

**Presentation of Project by Jeff Gregg (GHD) on behalf of the Town of Mashpee**

Jeff Gregg gave a presentation describing the project with the aid of a PowerPoint presentation. A copy of Mr. Gregg's presentation is attached hereto.

Mr. Virgilio then asked for comments from Commission staff.

### **Procedural comments from Jon Idman**

Mr. Idman stated that the FEIR has been submitted to the MEPA office and that the project is within the FEIR comment period now which will close on July 28, 2015. He stated that due to changes in the Act, a DRI for a water quality improvement project such as this is also allowed to be opened during this comment period, and the DRI hearing period has been opened. Staff is looking forward to reviewing comments on the FEIR certificate when that Certificate issues. He stated that at that time, we will have further DRI Hearings and staff will generate a staff report based on that FEIR Certificate and the comments that are made and collected through that MEPA process. He explained that going forward, staff will draft written comments for submission to MEPA on the FEIR by the 28<sup>th</sup> which would incorporate any comments from the subcommittee and public this evening. He explained that we would not continue the hearing on the DRI this evening, rather the matter would be re-noticed when there is to be a follow-up DRI hearing on this project.

### **Presentation of Water Staff comments by Tom Cambareri**

Tom Cambareri gave an oral presentation of comments on the project with the aid of notes. A copy of Mr. Cambareri's notes are attached.

### **Questions and Comments**

The Chair asked for comments from the **Subcommittee**.

Mr. Harris stated that this project was very important and very ambitious. He also inquired as to how the town intends to coordinate with neighboring towns for this project, especially in terms of allocating responsibilities in shared watersheds. He also asked how stormwater control would be managed.

Ms. Brookshire stated that shellfish aquaculture will be a large part of the success of this project. She stated that aquaculture was part of Falmouth's wastewater management project that came before the Commission for review, and she wanted to know how closely Mashpee had worked with Falmouth as far as what was successful and what was not.

Rick York, Mashpee Shellfish Constable, responded that Mashpee started its oyster project 11 years ago specifically to target nitrogen reduction as well as restoration of the fishery and it has been highly successful. He stated that they have been working with the town of Falmouth on shellfish for decades by means of sharing information and getting input on projects.

Mr. Gregg responded to Mr. Harris's questions by stating that with this project and the 208 project, the Town of Mashpee's goals will be focusing on what Mashpee can do and that they are only responsible for their piece, but they are relying on their neighbors to do their share as well. He stated that they can start phase 1 independent of Mashpee's neighboring towns, but as the years go on, it will be crucial that the neighboring towns do their part and that the towns collaborate, and they will be looking for the assistance of DEP and the Cape Cod Commission to help set the stage on how communities will work together. He stated that they have tried to set the stage with goals that Mashpee can address and easy ways that the town can start addressing some of them, including through collaboration with other towns that share watersheds with Mashpee, like shellfish in Barnstable and a shared feasibility study for inlet widening in Falmouth, and they continue to work with the CACs and water management teams in those communities.

Mr. Gregg stated that as far as stormwater, they did not incorporate stormwater as a potential nitrogen "credit" for meeting tmdl's. The town of Mashpee isn't banking on any type of Nitrogen removal from stormwater to meet tmdl's, meaning they're not looking to try to manage the Nitrogen problem solely with stormwater facilities, though it is anticipated that stormwater approaches in the plan will reduce nitrogen loading.

Mr. Fudala stated that through zoning they have had very stringent stormwater requirements pertaining to Nitrogen reduction for about 15-20 years.

The Chair asked for comments from **federal officials**.  
No comments.

The Chair asked for comments from **state officials**.  
No comments.

The Chair asked for comments from **local officials**.  
No comments.

The Chair asked for comments from the **general public**.  
No comments.

The Chair asked for any further comments from the **Subcommittee**.

Ms. Taylor asked if the golf courses in Mashpee have reduced their fertilizer applications so that they are not an issue at all contributing to the nitrogen. She also stated that all the towns on the Cape use ARC for spat. She asked if Mashpee using ARC for this project would affect ARC's ability to help other towns. Ms. Taylor also asked if there was a grant for PRBs. Ms. Taylor asked that since Mashpee has mapped

out the stormwater issues, if they have been prioritized and if the major ones have been taken care of?

Mr. York stated that the DPW has been installing upgraded stormwater drainage systems. He stated they have been doing what they can but they haven't prioritized the entire list because there is over 2000 storm drains in the town of Mashpee and most of them don't run directly into the water bodies.

Mr. York also stated that as far as the spat supply, ARC has recently gotten funding for some high-cost renovations thanks to state, county and town grants and other donations, so they will not only be able to help Mashpee, but they will have more than enough capacity to still help other towns on the Cape as well. He also stated that the amount of shellfish they have planned in waterbodies is in line with the historical fisheries, meaning that the town is proposing something feasible that had been done for many years.

Ms. Taylor asked if they would be putting aquaculture in areas where you cannot harvest them.

Mr. York stated no, they are going with existing approved areas and stressed that this is a bay-by-bay issue. There are areas that this won't work and areas where it will work, and in Mashpee it just happens to be a place where it will probably work at some level.

Ms. Taylor asked about a study that the commission did about tidal restrictions around Cape Cod and asked if there were any in Mashpee, have they all been taken care of.

Mr. Fudala said that he was not aware of the study, but that Mashpee's major bays are mostly natural outlets.

Ms. Taylor asked about MOUs and what will happen if one of the contributing towns doesn't get their funding, etc.

Mr. Fudala said that there are some places where Mashpee can take care of 100% of the problem, and other areas in Mashpee that are dependent on other towns to do their part. He stated that Mashpee has suggestions for the other contributing towns as to how they could take care of their fair share so that the total load targets can be met.

Mr. Cambareri stated that there are numerous embayments in which more than one town shares responsibility. He stated that when we look at CWMPs proposed by towns we also look at the effect it will have in the shared watersheds. He stated that Mashpee's plan takes care of their share as well as conceptually defining what other

reductions are necessary from other towns. He stated that we need to be optimistic and take advantage of the CWMPs moving forward. He also stated that we have the 208 process where we are looking at all the watersheds across the Cape and will be working with the waste management agencies/ towns to develop and come up with conceptual plans for each of the watersheds. He also stated that as far as the golf course issue, golf courses have been reducing their loads since the late 80's.

Mr. Lyons stated that this CWMP process has been going on for 14 years with lots of technical and expert help. He stated that any plan that goes forward will potentially change and need to adapt especially over such a long period of time. He stated that Mashpee intends to begin with things that it can control—things that are totally under Mashpee's control and that's what phase 1 of this project is. He stated that he wants the CCC to set out a plan for all of the towns, with technical data, that shows what portion of the nitrogen going into a watershed comes from each town so that it's all on the table.

Patty Daley stated that there are very common sense ways that towns can work together to get the job done. She stated that the 208 plan that was just released does go watershed by watershed and allocates nitrogen removal responsibility to each community.

The Chair moved to adjourn the public hearing. Mr. Mitchell seconded. All were in favor. The Hearing ended at 7:29pm.

**Mashpee CWMP DRI Subcommittee Hearing  
July 14, 2015  
Mashpee Town Hall  
16 Great Neck Road North, Mashpee, MA**

Respectfully submitted,

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Ernest Virgilio, Chair  
Mashpee CWMP Subcommittee

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Date