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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission

February 5, 2015

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	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Andrew Putnam	Absent
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Len Short	✓
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	Absent
Native American Rep.	Danielle Hill	Absent
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, February 5, 2015 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, Barnstable, MA. Roll was called and a quorum established.

■ SUMMARY OF ACTIONS TAKEN/VOTES:

Public Hearing: Eastham Town-wide Water Supply System

Following the presentations and discussion, the Full Commission voted unanimously to adopt the draft written Development of Regional Impact (DRI) decision as amended and approved the Eastham Water Supply System project as a DRI with conditions set out in the DRI decision.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said due to time constraints he would not provide a report at this time.

■ MINUTES

The minutes of the December 4, 2014 Commission Meeting were reviewed. Royden Richardson moved to approve the minutes. Len Short seconded the motion. The motion passed with a unanimous vote.

The minutes of the December 18, 2014 Commission Meeting were reviewed. Len Short moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with one abstention.

■ EASTHAM WATER SUPPLY SYSTEM

Chair Richard Roy noted that this is a continued hearing from January 13, 2015. He read the hearing notice and opened the hearing at 3:07 p.m.

The subcommittee reviewed the minutes from the January 13, 2015 DRI public hearing. Kevin Grunwald moved to approve the minutes of January 13, 2015. Roger Putnam seconded the motion. The motion passed with a unanimous vote by the subcommittee.

Mark White, Engineer with Environmental Partners Group, with the use of PowerPoint slides provided background information on the project, described Eastham's current water system and discussed wellfields, a storage tank, the distribution system and the landfill study area. Mr. White also provided an overview of the MEPA process and the Commission's comments as well as the project benefits. Mr. White said at Eastham's May 2014 Annual Town Meeting, the proposed plan received approval with 86% of the vote in support of the project, it will serve one-third of the properties, it will involve 2,021 connections, it includes Route 6 and the commercial corridor, and there will be 80% fire protection coverage for the town. He talked about the funding opportunity with the State Revolving Fund and said Eastham is #2 on the final list to receive funding and he then discussed the project priorities. A copy of Mr. White's PowerPoint presentation is attached to the minutes.

Jeffrey Ribeiro, Regulatory Officer at the Commission, with the use of PowerPoint slides provided an overview of the project, explained the Commission's jurisdiction, consistency with the Regional Policy Plan (RPP) and compliance with Minimum Performance Standards (MPSs) regarding land use, economic development, water resources, natural resources, transportation, waste management and historic preservation/community character. Mr. Ribeiro said the project complies with Eastham's local development bylaws provided all local permits are obtained, it's consistent with Eastham's Local Comprehensive Plan and a District of Critical Planning Concern (DCPC) does not apply and noted in regard to the Cape-wide Fertilizer Management DCPC no turf/turf fertilizers are proposed. Mr. Ribeiro explained the findings and conditions in the draft decision regarding water resources, natural resources, waste management, and historic preservation/community character. He described the project benefits and said the project benefits are greater than the project detriment. He said at the joint MEPA/Commission DRI hearing on January 13, 2015 the subcommittee voted to recommend the draft decision to the full Commission today, a comment letter was submitted to MEPA on January 23, and a MEPA certificate issued on January 30. Mr. Ribeiro said after public testimony and discussion the Commission will be asked to consider moving to adopt the draft written decision and approve the project as a DRI as conditioned in the draft decision. A copy of Mr. Ribeiro's PowerPoint presentation is attached to the minutes.

Joy Brookshire inquired about making an amendment to GF7—Benefits of the Project. She asked if she could add an eighth benefit to the list.

Jon Idman, Chief Regulatory Officer at the Commission, said an amendment could be proposed after public testimony is heard.

Federal, state, and local officials were called to provide comment. No public comment was given.

Comment by the general public was called. No public comment was given.

Jackie Etsten inquired about the water quality and nitrate levels in the test wells for the proposed new wells.

Mark White said the quality is excellent. He said no treatment is needed as it meets all DEP standards. He said the nitrate level is 0.5.

Sheila Vanderhoef, Eastham Town Administrator, noted that Eastham Selectmen were also present in the audience. She said this is a good project and she thanked Commission staff for working with the Town of Eastham on this project. She asked for a favorable vote by the Commission.

Jack McCormack moved to close the public hearing on the DRI. Roger Putnam seconded the motion. A vote called on the motion passed with a unanimous vote.

Joy Brookshire moved that an amendment be made to general finding GF7—Benefits of the Project and asked that an eighth benefit be added regarding free potable water to the Nauset Regional High School through a recorded easement between the Town and the school district. Jack McCormack seconded the motion. A vote called on the motion to amend general finding GF7 passed with a unanimous vote.

Joy Brookshire moved to adopt the draft written decision, as amended, and approve the project as a DRI subject to conditions set out in the decision. Royden Richardson seconded the motion. A vote called on the motion to adopt the written decision, as amended, and approve the project as a DRI as conditioned passed with a unanimous vote.

A motion was made to adjourn at 3:55 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Harold Mitchell, Secretary

List of Documents Used/Presented at the February 5, 2015 Commission Meeting

- Minutes of the 12/4/14 and 12/18/14 Commission meetings.
- Handout material: February 5, 2015 Commission meeting agenda.
- Handout material: Eastham Water Supply System DRI draft written decision.
- Handout material: Eastham Water Supply System Commission Staff Report dated January 8, 2015.
- Handout material: Eastham Water Supply System DRI public hearing minutes of January 13, 2015.
- Material presented: PowerPoint presentation on the Eastham Water System Project prepared and presented by Mark White, Environmental Partners.
- Material presented: PowerPoint presentation on the Eastham Water Supply System DRI Review prepared and presented by Commission Staff.