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CAPE COD
COMMISSION

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Minutes

Meeting

Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers
3195 Main Street, Barnstable, MA 02630

May 26, 2016

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

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	John Krajovic	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, May 26, 2016 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

■ SUMMARY OF ACTIONS TAKEN/VOTES:

Presentation of Candidates for the Slate of Officers of the Cape Cod Commission

Ernest Virgilio, Chair of the Nominating Committee, presented the Committee's recommendation for a Slate of Cape Cod Commission Officers as Harold Mitchell for Chair, Jack McCormack for Vice-chair and Roger Putnam for Secretary. Following the presentation the Commission voted unanimously to close the nominations with the recommended Slate of Officers as candidates. The election of officers will be voted at the June 9, 2016 Commission meeting.

Public Hearing: Mid-Cape Main Replacement Project #EX16010

Following presentations, testimony, discussion and deliberation on the Development of Regional Impact (DRI) Exemption application by National Grid for the construction of an 18.1-mile replacement main in the Towns of Yarmouth, Dennis, Harwich, and Brewster the Commission voted unanimously to close the public hearing. Following the close of the public hearing the Commission voted with 16 votes in favor and one opposed to adopt the draft written DRI Exemption decision for the project.

■ EXECUTIVE DIRECTOR'S REPORT

Deputy Director Kristy Senatori said the third annual wastewater conference—the One Cape Summit—will be held on June 23 and 24 at the Resort and Conference Center in Hyannis. She said registration for the conference is open and it's on the main page of the Commission's website. She said Curt Spaulding, EPA Region 1 Administrator, will be the keynote speaker on June 23 and there will be an All Cape Selectmen and Councilors meeting during the dinner session that evening. Ms. Senatori said the Cape Cod Commission was awarded the Environmental Merit Award by the Environmental Protection Agency for its work on the 208 Plan Update. She said Paul Niedzwiecki spoke to the Community Leadership Institute on May 12, he was the keynote speaker at the Massachusetts Association of Planning Directors meeting on May 19, he made a presentation at the Cape Cod Selectmen and Councilors Association and today Mr. Niedzwiecki is on the housing panel at the Cape Cod Young Professionals' Shape Your Cape Summit. Ms. Senatori announced new staff at the Commission and said Mario Carloni joined the Commission as a geospatial developer and Heather Harper, the Assistant Town Manager in Falmouth, will be joining the Commission at the end of June as a community design and affordable housing specialist. Ms. Senatori said at the next Commission meeting on June 9 Paul Niedzwiecki will discuss the focus of the One Cape Summit and provide an overview on the implementation to date and the next steps.

■ MINUTES

The minutes of the April 28, 2016 Commission Workshop Meeting were reviewed.

Jack McCormack made a correction to page 3 under new business and said Chair Richard Roy introduced the newly appointed Commission members. Roger Putnam moved to approve the minutes as amended. Len Short seconded the motion. A vote called on the motion to approve the minutes, as amended, passed with 16 votes in favor and one abstention.

■ PRESENTATION OF CANDIDATES FOR THE SLATE OF CAPE COD COMMISSION OFFICERS

Ernest Virgilio said the Nominating Committee consisted of Len Short, Jack McCormack and himself. He said the Committee met on April 7 and again earlier today for the purpose of nominating a slate of Cape Cod Commission officers for the term beginning July 1, 2016 through June 30, 2017. He said the Committee's recommendation for a slate of Commission officers is Harold Mitchell as Chair, Jack McCormack as Vice-chair and Roger Putnam as Secretary.

Chair Richard Roy asked if there were any further nominations from the floor. Seeing none he asked for a motion to close the nominations. Len Short moved to close the nominations. Ernest Virgilio seconded the motion. A vote called on the motion passed with a unanimous vote. Chair Richard Roy said the Slate of Officers will be voted by the full Commission at its next meeting on June 9.

■ MID-CAPE MAIN REPLACEMENT PROJECT — #EX16010

Chair Richard Roy read the hearing notice and opened the hearing at 3:10 p.m.

Attorney Michael Keegan, with the Boston law firm Keegan Werlin, said all the project team members are here today to answer any questions the Commission may have. He said Holly Carlson of Epsilon Associates will be presenting the project.

Holly Carlson, Epsilon Associates, with the use of PowerPoint slides referred to a map showing the existing 18.1-mile system. She described the project need for increased capacity and the existing system dating back to early 2014 and the results in the Fall of 2014. She explained the routing and project design as 18.1 miles of 12-inch coated steel main and said the replacement main follows the route of the existing main, it is entirely within existing roadway layout, and the existing main will be abandoned in place with the exception of four sections totaling approximately 11,000 linear feet proposed for continued use at 60 pounds per square inch gauge (psig). Ms. Carlson discussed environmental considerations and said there would be no tree clearing, there are no areas of critical environmental concern (ACEC) on route, there are no direct wetlands impacts, there are no impacts to historic/archaeological resources; she explained waterbody crossings regarding Bass River, Herring River and Stony Brook; and she explained construction management and said they have been working with towns to develop Traffic Management Plans (TMPs). Ms. Carlson discussed climate change and vulnerability assessment regarding vulnerability from sea level rise projections and limited inundation associated with storm surge projections. She said they have done considerable outreach consisting of mailings and door-to-door to abutters, they have a project website, they held Cape Cod Commission stakeholder meetings and held open houses in January. She said there has been municipal coordination with DPWs, water departments, and TMPs/construction schedule. Ms. Carlson explained the project schedule and said in April 2016 they received their Final Massachusetts Environmental Policy Act (MEPA) Certificate; in July 2016-March 2017 they anticipate receipt of all other approvals from the Energy Facilities Siting Board, Chapter 91 Minor Modification and local permitting; and she outlined the construction schedule beginning in Fall 2016 through the construction completion date in April 2019.

Jon Idman, Chief Regulatory Officer at the Commission, described the Commission's regulatory role and said the project does trigger mandatory Development of Regional Impact (DRI) review under MEPA. He said the applicant is applying for a DRI Exemption which is appropriate for approval by the Commission and Commission staff recommends approval. Mr. Idman described the standards for a DRI Exemption and said the question is whether there are impacts and whether impacts would be regional in nature. He said the project is utility work within a road layout. He said the project required the preparation of an Environmental Impact Report (EIR) and was considered a new project under MEPA because of increase in capacity. He said the project has been designed in existing road layouts and impacts would be low for a brief time during road construction work and noted that it would be temporary roadway construction impacts which the Commission would not get involved with. He said positive letters have been received by the towns involved and the project would provide benefits to the towns. He said a stakeholder meeting was hosted by the Commission, the project has gone through the MEPA process and the project still needs to get local and state approval. Mr. Idman said Commission staff suggests that the project meets the standards of a DRI Exemption.

Elizabeth Taylor inquired about the scheduling and asked if the project is done all at once or would it be done town by town. She asked if it would go through the town planning boards.

Tom O'Keene, National Grid, said they are working with all towns to decide on the time of year that is best for towns and to limit traffic congestion in the towns.

Ernest Virgilio said he agrees that the project is well needed but he has some concerns with the construction areas. He said he would hope that the towns and the company agree on road surface. He said the problem is with daily exercises and he would hope that temporary surface is put down. He said he also has concerns about the bridge crossing and the pipe going in; he said he would need to know that the bridge is in good condition and he hopes the company works with towns on that. He said he also has concerns with abandon in place.

David Weeden said he has a problem accepting the exemption. He said the Wampanoag Tribe has not been involved in the review of the project pursuant to Section 106. He said other agencies have not completed their review of the project and that is still underway. He said he also has concerns about abandon in place; concerns with residue in abandoned pipes. He said he would ask as a condition that the Tribe be involved as there will be construction impacts by disturbing areas.

Holly Carlson said they did engage an archaeological consultant. She said regarding Section 106 there is no Federal trigger with this project. She said the MEPA review is complete and they received their Final Certificate from MEPA in April.

Wendy Levine, attorney with National Grid, said they would be happy to meet with the Tribe to discuss the project.

David Weeden said he would be interested in setting up a meeting.

Tom O'Keene said regarding abandon in place National Grid typically caps the ends of the pipes and they have never had a problem with that. He said regarding paving they are working with all the towns on that and they want the road to be put back better than it was.

Ernest Virgilio said he understands the explanation but has a problem with a pipe being abandoned in place.

David Weeden asked if abandon in place is the best practice. Tom O'Keene said yes it is the best practice.

Chair Richard Roy said regarding the bridge Mr. Virgilio referred to it was recently replaced and is in good condition.

John Krajovic said he supports his colleagues' concerns about abandon in place. He talked about the color of the pipe and said they should consider using black pipes.

Kevin Grunwald inquired about the moratorium and asked when they expect the moratorium to be lifted. He asked how they determine the length of the moratorium.

Chris Connolly, engineer with National Grid, said as new pipes are installed it will limit the moratorium. He said as work is constructed they will carve out areas of moratorium. He said the length of the moratorium will be determined as they evaluate the work that has been completed.

Jackie Etsten asked if they would be coordinating with MassDOT in regard to paving.

Chris Connolly said only a small area deals with MassDOT. He said they are dealing more with towns about the final restoration.

Chair Richard Roy called for testimony from federal, state, municipal entities and the public.

Wendy Northcross, CEO of the Cape Cod Chamber of Commerce, said she is very impressed with the communication from National Grid and the Commission. She said she supports the project and asked the Commission for their support.

Jack McCormack said he attended the Yarmouth Board of Selectmen meeting and he was impressed with the applicant communicating with the town. He said the applicant has said that they will comply with the town.

Chair Richard Roy said National Grid has been doing extensive work in the town of Dennis and they did a very good trench repair.

Jack McCormack moved to close the public hearing. Michael Skelley seconded the motion. A vote called on the motion passed with a unanimous vote.

Michael Skelley moved to adopt the draft written DRI Exemption decision for the project. Jack McCormack seconded the motion. A vote called on the motion passed with 16 votes in favor and one opposed by David Weeden.

■ **NEW BUSINESS**

Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.

Jack McCormack commented on Commission member attendance at the past few Commission meetings and said attendance has been very good.

A motion was made to adjourn at 4:00 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Jack McCormack, Secretary

List of Documents Used/Presented at the May 26, 2016 Commission Meeting

- Minutes of the April 28, 2016 Commission workshop meeting.
- Handout material: May 26, 2016 Commission meeting agenda.
- Handout material: Draft DRI Exemption decision for the Mid-Cape Main Replacement project.
- Material presented: PowerPoint presentation on the Mid-Cape Main Replacement project prepared and presented by National Grid/Epsilon Associates.