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CAPE COD
COMMISSION

Minutes

Meeting

Cape Cod Commission

Harborview Conference Room • Barnstable County Complex
3195 Main Street, Barnstable, MA 02630

July 12, 2018

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

Town	Member	Present
Barnstable	Fred Chirigotis	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	Absent
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Len Short	✓ (arrived at 3:10 p.m.)
Provincetown	Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓
Governor's Appointee	Michael Maxim	✓

The Cape Cod Commission Meeting was called to order on Thursday, July 12, 2018 at 3:00 p.m. in the Harborview Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA. Roll was called and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

- **Approval of Minutes:** The minutes of the June 14, 2018 Cape Cod Commission meeting were approved with one abstention (Jacqueline Etsten).
- **Continued Public Hearing—Eastham Water Supply System Phase 2:** Following presentations, discussion and deliberation the Cape Cod Commission voted unanimously in favor to close the public hearing. Following the close of the public hearing the Commission voted unanimously in favor of adopting the draft written Development of Regional Impact decision approving the project as recommended by the subcommittee subject to the conditions in the draft decision.

■ MINUTES

The minutes of the June 14, 2018 Cape Cod Commission meeting were reviewed. Roger Putnam moved to approve the minutes. Joy Brookshire seconded the motion and a vote called on the motion passed with one abstention (Jacqueline Etsten).

■ EASTHAM WATER SUPPLY SYSTEM PHASE 2

Chair Harold Mitchell said today's continued public hearing is on Phase 2 of the town of Eastham's Municipal Water Supply System which is being reviewed as a Development of Regional Impact (DRI). He said Phase 2 will supplement Phase 1 of the town-wide water supply system previously reviewed and approved by the Commission.

The project subcommittee reviewed the public hearing minutes of June 5, 2018. A motion to approve the minutes was moved by Roger Putnam and seconded by Cheryl Andrews. Joy Brookshire referred to page 3 and said the word "shed" should be changed to "she". A vote called on the motion to approve the minutes, as amended by Ms. Brookshire, passed with a unanimous vote.

Mark White, the town's consultant with Environmental Partners Group, with the use of PowerPoint slides provided background information on the project and said going into the project there was no public water or wastewater system, septic systems are close to each other and drinking water quality is degraded. He discussed landfill impacts on drinking water, limited firefighting needs and said when there is a power outage from a storm there is no well water.

Mr. White provided background information on Phase 1 of the town's water system project and said the Commission approved the project as a Development of Regional Impact (DRI) on February 6, 2015 and the construction timeline for 2015 through 2018 is 98% complete. He provided background information on Phase 2 and said the town of Eastham approved \$85 million for the project at its May 2015 Annual Town Meeting. He said Phase 2 serves all remaining properties, there will be 85 miles of pipe, and there will be a third wellfield and a second storage tank at District H. He explained water demands at buildout/wellfield usage and the Department of Environmental Protection's (DEP) Water Management Act Permit (WMAP). He said the WMAP authorizes withdrawals up to 415,000 gallons per day (gpd), current demands are approximately 150,000 gpd, a permit increase for Phase 2 is not needed for at least two years, and a permit application will be submitted to DEP in the Fall of 2018. He discussed Zone II and wellhead protection, the groundwater protection overlay district, the wellfield and storage tank, the wellfield pump station, and site stratigraphy at District H. He said the applicant is developing a Conservation and Management Plan that includes baseline monitoring of vernal pool and groundwater elevations; limited withdrawals during the first two years of wellfield operation and slow increase thereafter; greater reliance on well screen in the lower aquifer zone and ongoing consultation with Natural Heritage and the Cape Cod Commission.

He discussed water main installations; the Phase 2 permitting program (Phase 2A); the Massachusetts Environmental Policy Act (MEPA) Environmental Impact Report and said the project properly complies with MEPA and its implementing regulations and then provided a procedural history on the project as a DRI. He explained permitting activities for District H, the DEP Water Withdrawal Permit, local permits with the Conservation Commission and Zoning Board of Appeals and the construction timeline for Phases 2A through 2E. He described project benefits as the

project addresses the primary goal of the town's local comprehensive plan by providing a high quality/reliable source of drinking water; it supports the goals of the Commission's Regional Policy Plan (RPP) by providing economic sustainability, water resource protection and water supply; it provides a permanent solution for drinking water to properties with degraded water quality and provides improved fire protection.

Michele White, Regulatory Officer at the Commission, said the project came to the Commission for review as a Development of Regional Impact (DRI) because it required preparation of an Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA). She said the project is an extension of the existing Eastham Water Supply System Phase 1 project that was approved by the Commission on February 5, 2015 and the Phase 2 impacts are not greater than the impacts of Phase 1. She explained the standards of review and said the project is consistent with the Cape Cod Commission Act and Regional Policy Plan (RPP), the Cape-wide Fertilizer Management District of Critical Planning Concern (DCPC) implementing regulations adopted by the town do not apply as the project does not propose establishment of turf or use of fertilizer, the project is consistent with the Eastham DCPC, the Eastham local comprehensive plan and local development bylaws.

She explained the components of the Phase 2 system and said it is similar to Phase 1 in construction methodology and impacts. She discussed findings and conditions of the Phase 2 water distribution system and the components of District H regarding the wellfield, pump house, electric propane generator, water storage tank, gated access road, and the storage tank. She discussed District H findings in RPP issue areas for water resources, natural resources, and heritage preservation/community character.

Ms. White explained District H conditions as set out in the project's draft written DRI decision and said the town will provide Department of Environmental Protection (DEP) water supply reporting; the town will provide a Conservation and Management Permit issued by the Natural Heritage and Endangered Species Program (NHESP); increase in pumping rates will be coordinated with the Commission and NHESP; the town will provide documentation from the Massachusetts Historical Commission (MHC) of review of archaeologically sensitive sites; and only propane or similar natural gas will be used for emergency power generation. She said suggested project benefits are the project allows the town to meet its local comprehensive goal, it provides a safe drinking water supply and provides fire protection coverage. She said Commission staff suggests that the project is consistent with the Commission's standards of review and recommends adoption of the draft DRI decision approving the project with conditions.

Jacqueline Etsten asked if there were any concerns regarding saltwater intrusion in Zones B and C in the future. Mark White said there were no concerns and said groundwater modelling had been done. Ms. Etsten asked if the data on water quality had been provided to the Commission. Mr. White said, yes, all pump test reports were submitted to the Commission.

Joy Brookshire asked if the municipal supply system would affect the quantity of water for those individuals who want to continue to use private wells. Mr. White said it would not.

Chair Harold Mitchell called for testimony from federal, state, municipal entities and the public. No testimony was given.

Roger Putnam congratulated the Town of Eastham for the work that has been done on Route 6. He said it was a well-organized, well-run and properly operating effort.

Mike Skelley moved to close the public hearing, it was seconded by Roger Putnam and a vote called on the motion passed with a unanimous vote.

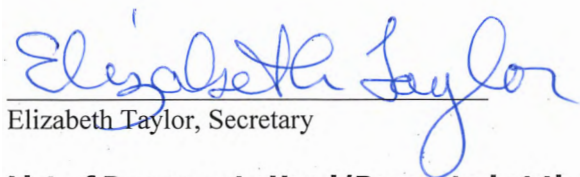
Chair Harold Mitchell called for a motion to adopt the draft written DRI decision approving the project as recommended by the subcommittee subject to the conditions in said decision. The motion was moved by Joy Brookshire, it was seconded by Roger Putnam and a vote called on the motion passed with a unanimous vote.

■ **NEW BUSINESS:** *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.* Chair Harold Mitchell noted that Executive Director Kristy Senatori was unable to attend the meeting today and said Ms. Senatori prepared an Executive Director's report that was distributed to members today.

Chair Mitchell announced and congratulated Len Short, the Commission's Orleans Representative, for receiving a Citizen of the Year award from the Town of Orleans. Chair Mitchell said it was a well-deserved honor.

A motion was made to adjourn at 3:45 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,



Elizabeth Taylor, Secretary

List of Documents Used/Presented at the July 12, 2018 Commission Meeting

- July 12, 2018 Cape Cod Commission Meeting Agenda.
- Memorandum/Executive Director Update by Executive Director Kristy Senatori.
- Draft Minutes of the June 14, 2018 Cape Cod Commission meeting.
- Draft Development of Regional Impact Decision for the Eastham Water Supply System Phase 2 project.
- PowerPoint slide presentation on the Eastham Water System Phase 2 Program by Environmental Partners Group.
- PowerPoint slide presentation on the Eastham Water System Phase 2 Development of Regional Impact Review.