



BARNSTABLE
TOWN CLERK



Town of Barnstable Land Acquisition and Preservation Committee

www.town.barnstable.ma.us/LandAcquisitionandPreservation

Committee Members

Ann Canedy – Chair Farley Lewis – Vice Chair
Kris Clark Elissa Crowley Janet Crystal Steve Gould Thomas Lee Phyllis Miller Anne Rowland
Jessica Rapp Grassetti – Town Council Liaison

Staff Support

Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Monday, January 14, 2019

5:30 PM

Selectman's Conference Room – 367 Main Street, Hyannis, MA

Ann Canedy - Chair	Present
Farley Lewis – Vice Chair	Present
Phyllis Miller	Present
Kris Clark	Present
Steve Gould	Present
Tom Lee	Present
Elissa Crowley	Present
Anne Rowland	Present
Janet Crystal	Present

Also present were Mark Ells – Town Manager, Zenas Crocker – Director for the Barnstable Coalition for Clean Water, Jessica Rapp Grassetti – Town Council Liaison, Bronwen Walsh from Barnstable Patriot, and Carol Puckett – Administrative Assistant

Call to Order/Introduction of Land Acquisition and Preservation Committee Members

All members present introduce themselves along with Mark Ells, Zenas Crocker and Jessica Rapp Grassetti.

Ann reads the following with no response:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18. In accordance with MGL Chapter 30A §20, I must inquire whether anyone is taping this meeting and if so, to please make their presence known.

Approval of Minutes

Minutes from LAPC meeting of December 10, 2018

Ann Canedy makes a motion to table the December 10, 2018 minutes to LAPC's February meeting.

Vote:

All in favor

New Business:

- **Discussion regarding the proposed regulatory changes to Board of Health Interim Regulations with Town Manager, Mark Ells and Barnstable Coalition for Clean Water Director Zenas Crocker.**

Ann explains that the Town Council presentation made by Dan Santos and staff was excellent and recommends anyone to watch it and directs them to the town's webpage, Video on Demand. However, she didn't think it had much to do with this evening but instead is in response to some of the criticism the Town has received in the press regarding not having completed the 208 Plan and not having filed the wastewater plan which she believes will be filed this summer with the Cape Cod Commission and in the fall with the state. She explains that about 10 years ago the town put into place interim regulations to protect the salt water estuaries in order to protect our negatively impacted embayment areas which have been overloaded with nitrogen over the years. These regulations limited the number of bedrooms, which, in turn, limited the number of bathrooms a developer could put into a new dwelling. She understands that currently there is a proposal to ease or rescind those regulations allowing for more economic development along the affected area. She isn't sure what area will be impacted and asks Mark Ells to address the rationale behind this and explain why now and not later.

Town Manager - Mark Ells gives history about the Saltwater Estuary interim regulation and shows a map outlining the area on the whiteboard (Exhibit A). He states that our water resources are why residents live here, visitors and businesses come here and is central to whom we are and the quality of life they would like to maintain. There are different facets to be considered when looking at the community. He points out the shaded areas of the map and the zones of contribution to public water supplies as well resources such as the Hyannis Water Pollution control facility off Bearer's Way, a cluster system at Red Lily Pond, a package treatment plant that the schools built which is now maintained and owned by the Town, and a land fill which all interact with not only the water supply but with the five major embayment areas.

The challenge for him as Town Manager, just isn't about resource protection but is to find a balance between housing, economic development and natural resources which the Town Council has tasked him to do.

He explains that the 208 Plan was a guiding document that began to frame what parameters might be looked at in addressing some of the challenges we have to water resources, particularly nitrogen loading. There was a lot of discussion about the corridor along Route 28 and he asked what they were looking at as far as Zoning, Zone 2's, DCPC's and pointed out the Saltwater Estuary ordinance. He states that the Saltwater Estuary ordinance was put in place in 2009 in order to prevent additional nitrogen loading into a sensitive area. He found this ordinance confusing with conflicting points in regards to housing and economic development. Therefore, in December of 2017 he asked the Board of Health for clarification and evaluation of the regulation, offered staff support, and asked them to consider modifications relative to this. His focus on clarification was the adoptive and implementation of the comprehensive plan to address nutrient reduction required in these estuary systems and wanted to know what was meant by adoptive and implemented and was told that it meant building sewers and putting them into the ground.

In particular, he has had inquiries about the Old Mill School off Route 28 and states that this illustrates why this is a complicated discussion. As for this area being considered for housing and economic development, this area is not in the GP or WP Groundwater Protection Overlay District, is in a residential area but is in the Saltwater Estuary area. Wastewater treatment, in this area, is going to be a huge part of this in order to get the density requested. There were multiple Requests for Proposals (RFPs) that went out and many discussions with the Marstons Mills Civic Association and Housing Committee asking to move forward with housing on this parcel. There are approximately 15,000 parcels on almost 16,000 acres in the Interim Saltwater Estuary Regulation area. They then looked at which ones were in the GP and WP overlay districts which already have regulations. So, when they looked at the whole

Planning And Development Department
Elizabeth Jenkins, Director

200 Main Street, Hyannis, MA 02601 367 Main Street, Hyannis, MA 02601
Phone: 508-862-4785 Fax: 508-862-4784

corridor from the Mashpee line to the West Main Street, it resulted in approximately 7,620 parcels. Then took out the ones that are in the GP and WP area which resulted in 1200 of which 1100 are developed. One of their objectives isn't to jeopardize or to put natural resources at risk at all. They are looking at about 100 parcels, 64 of which are undeveloped and 26 which are government owned. This corridor and this parcel were the focus of going into this discussion regarding the Interim Regulations in the Saltwater Estuary.

Next slide is work in progress slide as he explains. They went through a public process in discussing this. They will also be back before the BOH on January 22nd and is hoping to reach some closure. They are moving from the technical to the financial next.

There was also a Wastewater Management Plan which was approved in 2006 which included areas that they wanted to add since the previous approved Wastewater Management Plan. However, the state wasn't sure that they had all the information or studies complete to include all of the nutrient loading information. However, they knew that the Town was going forward with a treatment plan update and sewer expansion but needed an update. He also notes that it needs to be updated perhaps every ten years. As for ongoing projects, he shows a map where there are innovative systems going on, purchases of land, improvements to drainage and two innovative projects going on in the west side of Town: one of which is a cut, dredge and flush improvement project and the other is the utilization of a natural water body to try to help and remove nutrients.

They will be back before the Town Council at the beginning of February to ask for additional funding for the design of sewers and expect to be coming in with construction money for a major portion of the Centerville River East Bay Recharge Area. However, he never got to discuss this section of Route 28 and if they can, by looking at this regulation, by looking at land acquisition to offset perhaps some credits for redevelopment, and by looking at infrastructure installation, consider that implementation and get going on a real discussion about housing and appropriate economic development. He thinks this issue needs to be addressed with the BOH who has the authority. Whatever the outcome is they will still continue to work on with the same objective.

Ann Canedy comments that she can see where people have reacted to the map because the project is adjacent to a negatively impacted embayment and a lot of the confusion is in that proposed regulation. It does not specify a 500 foot buffer along Route 28 and perhaps that these should be looked at on a case by case basis. The proposed regulation is misleading, scary and overstated. Perhaps if this can be narrowed down and a new proposal given, maybe they will have a different kind of discussion with the BOH.

Jessica Rapp Grassetti received an opinion from Ruth Weil – Town Attorney which was a proposal to modify the existing interim regulation and limit its applicability to the Craigville Beach zoning area. She also asked her about bringing it down to just 500 feet and if it was a new item or is it within the four corners. Ruth's reply is that she believes it is within the four corners. Therefore, that amendment would have to be brought forth by one of the members of the Board of Health and then discussed.

Ann Canedy is personally concerned that these are just plans and that they haven't gotten any measurements yet and haven't done any TMDL's lately to see if what they have done has improved the situation in the embayments. She is concerned about putting this in place without those measurements.

Mr. Zenas Crocker states that Barnstable Coalition for Clean Water (BCCW) is working closely with the Town and will not do anything independent of the town. They have worked on many of the innovate things and will continue to do so. They have spent millions of dollars on these issues and those alternatives will allow them to achieve development for both low income and workforce housing and making that available to the community . They are particularly concerned in doing so before municipal treatment may arrive in certain areas because we know that

some areas will be further away and more difficult to reach from a municipal treatment standpoint and that the current 60 year plan is a long time and can't wait that long for housing or treatment.

The Barnstable Coalition for Clean Water's concern with this issue was the presentation about lifting this which he feels is opaque. BCCW still opposes it because it is too far reaching from a regulation lifting standpoint. When he looks at the interim regulations, the watchword is "adopts and implements" but which he feels hasn't been done yet. They feel it is too soon to do a blanket lift. However, if they are looking at different areas, the regulation provides for variances which they will support in the middle school area and also help fund alternative treatment systems in areas where they need this type of housing. However, he still opposes lifting the entire interim regulation and would recommend that the BOH create an advisory/study group to look at the regulation and come back with recommendations on a periodic basis to take into consideration the changes that are being made.

He looks at the Marston Mills slide and Old Mill Pond. He states that they are working with the Town on this pond. He states that this pond is only 6 inches deep and when you allow fresh water, which has nitrogen in it, to reside in a pond or a lake, it produces a gasification process.

They also don't want any net increase, not meaning more development, but to put more sewers in highly dense places where they need treatment and once they are in place to use that metric. His concern is that they have framework for a plan but don't have financing yet for it. This will cost a lot of money to resolve this problem. Hopefully these alternatives will allow them to save money but doesn't believe they should be doing things in advance of actually moving ahead on the plans.

Steve Gould asks where the Town is going in terms of the red areas on the map and helping the individual homeowner if their system is near failing.

Tom Lee explains to Steve Gould that there are no regulations forcing to upgrade a system, however, if a homeowner wants to improve their septic or install an IA system it would be a financial burden.

Zenas Crocker explains that they are under the mandate of the 208 Plan to reduce nitrogen loading but that this is just a tool in the toolbox. He explains that in the worst of the estuaries, Three Bays, 50% of the nitrogen load comes down the Marston's Mills River. They test the Marston's Mills River at ten locations once per week and at the cranberry bogs at six locations once per week and thinks there are other alternatives that they can try. He explains that there needs to be interception before it gets to the estuary and that they are spending a lot of money on dredging which is important. They discuss freshwater mussels also as an alternative filtering system. As for the Route 28 corridor, they haven't seen the math from a housing standpoint.

Ann Canedy asks if they could perhaps give an incentive to a developer to consider doing an on-site package plant.

Mr. Crocker is supportive of a better track to make it easier for new systems and hoping that the county will have funding as well as funding from the BCWC.

Janet Crystal asks how easy/difficult would it be for residents to get information about these systems.

Mr. Crocker states that there is an enhanced system (title 5) which is basically a mini treatment plant but is a few years away.

Ann asks about forming a mini committee to define a better amendment with the Board of Health perhaps with Tom Lee, Zenas Crocker and Mark Ells.

Jessica Rapp Grassetti would like to see an economic task committee put together, perhaps under the Planning Board, in order to put together a Request For Proposal (RFP) for that land in order to attract a developer with a plan. Mark Ells explains that the Town has initiated four RFP's (two times the schools did it and two times the municipality did it). Jessica thinks it needs to be done by a professional group that Mark puts together to focus just on that school area. Mark thinks it is a good idea.

Jessica asks Mark if he is going to suggest to the Chair of the BOH an amendment to include just the 500 foot buffer on either side of Route 28. Mark explains that they have sewer design in the works and will have a sewer project installed for the north side of the Centerville River/East Bay for Attucks Way into the north side of Lake Wequaquet which are going forward. However, Mark asks if it is enough for implementation so that they can have a conversation about these parcels along the Route 28 corridor.

Kris Clark states that this committee's charge includes supporting open space and to preserve drinking water quality throughout the Town. She is concerned that some zoning strategies compete with strategies that should complement each other for significant parcels. This committee has spent several years canvassing water districts in order to get a list compiled of parcels of significance which they have submitted but which has gone nowhere. She also notes that they just completed the Open Space and Recreation Plan and is hoping that all that planning is dovetailed with the strategy or they are going nowhere.

Mark Ells notes that he doesn't believe that he has seen the list but promises that he will review it and come back to this committee to discuss.

Old Business:

- **Update on Pending Conservation Restrictions-Prince Avenue/Harju/Amaral/Jones/Maddalena**
Will Holden is resigning from Barnstable Land Trust (BLT) and was instrumental in helping with the Pathways Program and the Santuit Preserve.

Motion is made by Kris Clark and seconded by Tom Lee to send a thank you note to Will Holden for all his contributions.

Vote:

All in favor

- **Update on Santuit Management Plan.**
Ann reports that the state has assigned someone to be the representative on the Santuit Preserve Committee.

Items not reasonably anticipated by the Chair

Public Comment

Adjournment

Motion is made by Farley Lewis and seconded by Tom Lee to adjourn

Vote:

All in favor

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Land Acquisition & Preservation office located at 200 Main Street, Hyannis, MA

Approved