



The Town of Barnstable

Office of Town Manager

367 Main Street, Hyannis, MA 02601

Office: 508.862.4610

Fax: 508.790.6226

www.townofbarnstable.us

Citizens' Resource Line: 508.862.4925



Mark S. Ells, Town Manager

mark.ells@town.barnstable.ma.us

M. Andy Clyburn, Assistant Town Manager

andy.clyburn@town.barnstable.ma.us

July 21, 2022

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for period June 17 to July 21, 2022

1. Karen Nober, Town Attorney, shall provide an update regarding the Conservation Law Foundation Clean Water Act lawsuit against the Town of Barnstable.
2. Sara Ahern, Superintendent of Barnstable Public Schools, shall provide an introduction to Town Council.
3. On June 1, 2022, the Town of Barnstable was informed of regulatory revisions the Massachusetts Department of Environmental Protection (MassDEP) is developing to ensure that timely actions are taken to restore and protect coastal estuaries that have been impacted by excessive nitrogen pollution. The two regulatory approaches they developed and plan to publish for public comment shortly provide communities with choices on how to address the growing pollution problems affecting our waters. The two proposed changes involve (1) revising Title 5 regulations to establish "Nitrogen Sensitive Areas" (NSAs) for watersheds draining into an estuary where there is an EPA-approved "Total Maximum Daily Load," which finds that the estuary is impaired by nitrogen and (2) a regulatory revision to formally establish the "watershed permit." These permits are 20-year permits that are based on long-term wastewater plans that will achieve water quality goals and provide communities the opportunity to utilize a range of approaches, including centralized sewer treatment and innovative approaches. We met with MassDEP on July 6, 2022 to further discuss these proposed changes and we have drafted a letter summarizing our comments on the proposed changes for MassDEP's consideration as they finalize their draft regulations. We plan to issue that letter early next week. On July 14, 2022 at a Cape and Island Town Manager's meeting DEP Commissioner Martin Suuberg and staff presented a similar update on the development of changes to the Title 5 regulations (attached). We plan to submit written comments on the presentation and participate in draft review of proposed regulations as soon as such draft regulations are issued. We will keep you advised as these important regulatory revisions progress.
4. We continue to have regular conversations with Vineyard Wind (Phase 1 ongoing project), Park City Wind (Phase 2 in permitting phase) and Commonwealth Wind

(Phase 3 in planning phase). In a presentation by Commonwealth Wind on March 17, 2022 the proposed landing locations for cable in Osterville were shared with the Town Council. To date I have only had discussions with Commonwealth Wind (Phase 3) project representatives but have not commenced negotiations of a Host Community Agreement and shall not do so until authorized by Town Council. I will note that under the siting process for a landing such as those proposed by Vineyard Wind or its successors, they do not have to ask our permission or enter into a host agreement but it is certainly to their advantage to have a working relationship with the community with whom they seek to permit and construct such a project. At a future meeting Attorney McLaughlin of our staff can review the permitting processes and authority of the Energy Facilities Siting Board (EFSB) relevant to such a proposal as we have not reviewed the authority of the EFSB since we commenced our Phase 1 & 2 negotiations for a host community agreement. We will keep you advised of our progress on this matter.

5. The Town of Barnstable and Cape Cod Commission are working on a Complete Streets plan to identify opportunities to create a more connected, efficient, and accessible roadway network. A Complete Street provides accommodations for all users including motorists, pedestrians, bicyclists, transit riders, and persons with disabilities. The purpose of this study is to explore transportation improvement alternatives that will reduce conflicts, improve traffic flow, and incorporate multi-modal transportation options in Barnstable while furthering the creation of vibrant, pedestrian and bicycle oriented mixed-use centers throughout the town. The Commission and Town want to hear from residents to help identify and establish priority efforts. Staff has held two village meetings and will be holding three more meetings in the upcoming weeks:

Tuesday July 26th 4:30 PM

Village of Hyannis

Barnstable Adult Community Center 825 Falmouth Road (Route 28), Hyannis

Thursday July 28th 4:30 PM

Village of Centerville

Centerville Public Library 585 Main Street, Centerville

Wednesday August 3rd 4:30 PM

Villages of Barnstable & West Barnstable

Saint Mary's Episcopal Church 3055 Main Street (Route 6A), Barnstable

Residents are encouraged to attend one of the meetings to learn more about this effort and to share ideas for projects that would better support walking, biking and safe driving in the Town of Barnstable. Based on community feedback, staff will develop a draft Prioritization Plan which is a list of priority roadway improvement projects ranked by defined evaluation criteria such as increase in safety, ability to implement and community support. The public comment period for the Barnstable Complete Streets Prioritization Plan is open now through August 31, 2022. Those wishing to submit comments may do so using the Cape Cod Commission's interactive [public comment tool](#), by sending an email to

transportation@capecodcommission.org, or by attending one of the upcoming community meetings. For more information, visit the project website at: www.capecodcommission.org/barnstablecompletestreets.

6. On July 1, 2022 Town Council received a working draft of new Town Manager regulations providing “grant of location” procedures and standards for wireless communication facilities located in public ways. The purpose of these regulations is to provide a uniform, publicly available, comprehensive grant of location process and standards for the location, installation, height, appearance of wireless communications facilities in the public ways, consistent with Town aesthetic and public safety criteria and with applicable state and federal law. These particular regulations do not address all potential deployments of wireless facilities, including installation on private property and on private roadways and other sites which will be addressed in additional regulations under development. This draft is being made available to the public for review and comment prior to the initiation of the formal hearing process required for adoption. It has been made available on the Town’s website on the [Town Manager page](#).
7. The Department of Public Works will hold a public information meeting on Monday, August 15th beginning at 7 pm at the Barnstable Performing Arts Center at Barnstable High School, 744 West Main Street, Hyannis to provide updates on the sewer expansion projects necessary to protect water resources. Construction of the Strawberry Hill Road Sewer Expansion Project began in September 2021. Construction on the Route 28 East Sewer Expansion Project is scheduled to start in September 2022. Together these projects extend sewer service to 400 properties and provide critical infrastructure for future sewer expansion projects. The August 15th public meeting will include updates on these projects, including anticipated construction road closures beginning this Fall. Staff from the Barnstable Department of Public Works and consultants will present project information, followed by an opportunity for questions from meeting participants. Information about the meeting is being provided to the media and all Village and Civic Associations.
8. One of the most frequently asked questions I have received from our public in the past month has to do with water quality in our lakes and ponds. We are active in developing management plans for our lakes and ponds to better manage those important water resources in Barnstable. We will keep you updates as those management plans are developed, completed and implemented. Information on Water Quality and Alerts are available on the Town home page under [Barnstable Water Resources | ..water quality distilled](#). There is also a map with all monitored ponds and other town’s ponds at the APCC at: <https://apcc.org/our-work/science/community-science/cyanobacteria>.