



The Town of Barnstable

Office of Town Manager

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January 5, 2023

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for December 16, 2022 through January 5, 2023

1. Elizabeth Jenkins, Director of Planning and Development, shall provide an update on the Local Comprehensive Plan.
2. Last July the federal district court granted the Town's motion to dismiss the Clean Water Act lawsuit filed against the Town by the Conservation Law Foundation (CLF). In August, CLF filed a motion for reconsideration with the district court. This week, Judge Burroughs rejected CLF's arguments and denied CLF's motion for reconsideration, but she amended her previous order dismissing the case to be a dismissal "without prejudice." This means that CLF is free to file a new complaint in this matter. We will keep you updated on any new developments on this matter.
3. The Annual Town Census is mailed to all Barnstable residents at the beginning of each year in January. The census is an important legal document mandated by Massachusetts General Laws, which helps maintain and update Voter Registration. If there are no changes to your household, please sign and return your census to the Town Clerk's office. You can update the information provided by adding, deleting or making changes below the printed information. For assistance, please call the Town Clerk's office at 508-862-4044. The Communications Office partnered with the Town Clerk's office to include a Communications Survey with this year's town census. There is an option to take the survey online. The online survey is available in English, Portuguese, and Spanish.
4. We are proceeding with the Budget Action Calendar for FY 2024 as scheduled. For information on our fiscal year budgets, please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
5. The Town of Barnstable submitted comments (December 23, 2022) on the Eversource Vegetation Management Plan (VMP) pending before the Massachusetts Department of Agricultural Resources (MDAR). The VMP is intended to justify the need to control vegetation, identify target vegetation, describe the intended methods of control, describe methods for identifying sensitive areas, describe operational guidelines for applicators, outline a program of Integrated Pest Management (IPM)

designed to reduce the use of herbicides, and describe alternative land use activities. Our staff continues to discuss next steps as we are concerned with their safety rationale being more than 30 years old, is generic and not specific to Cape soil conditions, and does not reflect what we now know and suspect about emerging contaminants. We will keep you advised of our progress on this matter.

6. On June 1, 2022, the Town of Barnstable was informed of regulatory revisions the Massachusetts Department of Environmental Protection (MassDEP) was developing to ensure that timely actions are taken to restore and protect coastal estuaries that have been impacted by excessive nitrogen pollution. MassDEP conducted three public hearings one of which was held at Barnstable Town Hall on December 5, 2022. In response to requests made during the public hearings, the public comment period for the Massachusetts Department of Environmental Protection's (MassDEP) draft amendments to the Title 5 regulations, 310 CMR 15.000, and the new, related Watershed Permit regulations at 314 CMR 21.00, has been extended until January 30, 2023 and MassDEP will be hosting two additional Public Hearings:

Remote Only, January 24, 2023 at 6:00 p.m. Register at:

https://us06web.zoom.us/webinar/register/WN_veLVS545RCqGZhl6tuN2rQ

Remote Only, January 25, 2023 at 6:00 p.m. Register at:

https://us06web.zoom.us/webinar/register/WN_Is2pAS_cR_uXvNhhs5r3oQ

MassDEP also intends to hold two additional information sessions on: January 17, 2023 at 6:00 p.m. (remote) and January 18, 2023 at 6:00 p.m. (hybrid). More information about how to participate in these sessions will be provided on the MassDEP's website.

The draft regulations are published on the MassDEP website at: <https://www.mass.gov/info-details/massdep-public-hearings-comment-opportunities> and at: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#) and [314 CMR 21.00: Watershed Permit Regulations | Mass.gov](#)

Recordings of previously held information sessions and public hearings can also be found here: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

The Town of Barnstable staff in coordination with the Board of Health, are closely monitoring proposed Title 5 Amendments and Watershed Permit Regulations. We are preparing comments on these proposed regulations changes to be submitted to MassDEP by January 30, 2023. In reference to those comments the Town has a Comprehensive Wastewater Management Plan (CWMP), which has been reviewed and approved by state and local environmental agencies. It is our belief that the CWMP can act as the basis for the necessary Watershed Permits if approved by the state under the proposed regulations. Such effort on the part of the Town in combination with satisfying other aspects of the proposed regulations may relieve the residents of the Town from the requirement to install Innovative/Alternative Septic Systems on their property. We will continue to advise our community as these proposed regulations advance through approval and into implementation. We will keep you advised of the progress on this matter.

7. After collecting community input from a variety of stakeholders in November, the [Great Streets Downtown Hyannis](#) project is entering its second phase. Walkability expert Jeff Speck and the Great Streets team are excited to present early street design concepts, including a return to two-way travel downtown. The public is invited to review these concepts during a presentation and open house on Wednesday, January 25th from 7:00 to 9:00 pm at the Barnstable High School Knight Auditorium. (Please note the location has been updated since the initial media release.) Feedback from this meeting will be used to refine final designs that will deliver in late spring. We look forward to engaging the public at this critical phase of the project.

8. There are three separate wind power projects ongoing in the Town of Barnstable. Each project is proceeding separately from the other. The first is the Vineyard Wind project (landing at Covell's Beach) that is in the implementation phase of the project (under construction) and are proceeding as planned including complying with the terms of the Host Community Agreement. The second is the Park City Wind project (proposed landing at west end of Craigville Beach). The Park City Wind project is in the later stages of permitting. There is a Host Community Agreement in place for the Park City Wind project. The third is the Commonwealth Wind project that is in the mid stages of permitting and has requested a renegotiation of its Power Purchase Agreement with state agencies. Following a discussion with Avangrid on Friday, December 16, 2022 we paused the Host Community Agreement negotiations and our Legal Department has taken Avangrid's actions advisement. As the details of said action become better understood, the Town Manager will advise the Town Council regarding next steps. Avangrid did notify the Town Manager that they intend to continue permitting for the Commonwealth Wind Project, and, therefore, the Town will continue to meet with Avangrid relative to the Massachusetts Environmental Policy Act (MEPA) filing and any other permitting efforts that merit such action. We will keep you advised of our progress on this matter.