

CAPE COD AND ISLANDS WATER PROTECTION FUND

May 7, 2026

Via E-mail

Senate President Karen Spilka
Massachusetts State House
24 Beacon Street, Room 332
Boston, MA 02133

House Speaker Ronald Mariano
Massachusetts State House
24 Beacon Street, Room 356
Boston, MA 02133

Re: S.3064 An Act to Build Resilience for Massachusetts Communities

Dear Senate President Spilka and House Speaker Mariano,

I am writing to you on behalf of the Executive Committee of the Cape Cod and Islands Water Protection Fund (Fund) Management Board regarding the current version of the Environmental Bond Bill (S.3064 An Act to Build Resilience for Massachusetts Communities). We have previously written to express our strong support for the \$450 million bonding authorization for clean drinking water and wastewater infrastructure included in the bill and thank you for this provision. State Revolving Fund (SRF) capacity to support projects through the Clean Water Intended Use Plan (IUP) is a significant concern on Cape Cod as it will drastically impact the ability of our communities to implement critical water quality projects and the proposed authorization will ensure communities across the Commonwealth can continue to rely on SRF.

The current version of the bill provides preferential treatment for all discretionary or competitive grant programs made available through the bill - one of which is the Clean Water SRF program - to municipalities that have zoning or land use policies that encourage the production of housing sufficient to meet Commonwealth housing goals (see section 108, lines 3516 through 3529), such as wastewater and wetlands standards that do not exceed state health or environmental standards. This is problematic.

As the Legislature has long recognized through numerous acts over the last decade, the ecological conditions unique to Cape Cod require special consideration. Local standards that protect water resources and the environment are necessary due to the unique hydrogeology of Cape Cod and should not be seen as tools that discourage housing production.

Many towns on Cape Cod have adopted local wetlands bylaws and regulations that may be more restrictive than state requirements. Wetlands and their buffers are particularly important on Cape Cod, as they help protect our sole source aquifer, prevent flooding and storm damage, and support the region's biodiversity. There are several provisions that typically vary town-by-town and from the state due to the unique natural resources in the region, including the widths of no-disturb buffer zones, siting of septic systems near wetlands, proximity of development to eelgrass, requirements for native plant restoration and mitigation, as well as protections for certain types of wetlands, such as salt marshes, to migrate inland. The flexibility for local regulation to vary from state requirements is important due to the unique circumstances of our communities in the face of climate change, sea

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level rise, and flooding. Further, Cape communities are taking significant actions to address coastal water quality challenges by providing much needed infrastructure and adopting policies that promote nitrogen reduction and improve water quality. These local land use policies are not intended to limit housing production but to protect resources our region relies on.

The current rating system for the Massachusetts Clean Water SRF Program provides preference for projects consistent with a Section 208 Area-Wide Water Quality Management Plan. This provision allows Cape communities to access much needed state financing with 0% interest and, subsequently, the 25% Cape Cod and Islands Water Protection Fund subsidy. Both of these legislative innovations have been wildly successful at spurring the cleanup of Cape Cod's water resources. The impact of SRF and the Fund subsidy on the ability of Cape towns to advance water pollution abatement efforts is unprecedented. The preference provisions currently in the bill before the House threaten the continued ability of Cape towns to have access to limited SRF funds. We know that is not your intent and we urge you to consider the potential impact section 108 of S.3064 will have on the ability of Cape Cod towns to continue advancing necessary water quality and wastewater projects. Provisions that limit the ability of Cape Cod towns to continue accessing SRF should be struck from this bill.

The Commonwealth of Massachusetts has demonstrated a significant commitment to advancing clean water on Cape Cod and across the state. Supplementing the SRF with bond funds is consistent with the objectives of the region and the state to advance water quality and wastewater projects, allowing towns to proceed as required by Title 5 and the Watershed Permits encouraged by the Healey-Driscoll Administration.

Thank you for your consideration.

Sincerely,



Kevin Galligan
Chair, Cape Cod and Islands Water Protection Fund Management Board

cc: Senator Julian Cyr
Senator Dylan A. Fernandes
Representative Kip A. Diggs
Representative Thomas W. Moakley
Representative Christopher R. Flanagan
Representative David T. Vieira
Representative Steven G. Xiarhos
Representative Hadley Luddy
Mark Ells, Barnstable Town Manager
Marlene McCollem, Bourne Town Administrator
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Elizabeth Sullivan, Dennis Town Administrator
Jacqueline Beebe, Eastham Town Manager
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Rodney Collins, Mashpee Town Manager
Kimberly Newman, Orleans Town Manager
Alex Morse, Provincetown Town Manager
Bud Dunham, Sandwich Town Manager
Kelly Clark, Truro Town Manager
Tom Guerino, Wellfleet Town Administrator
Robert Whritenour, Yarmouth Town Administrator
Adam Turner, Martha's Vineyard Commission Executive Director
David Koffman, Massachusetts Municipal Association
Elizabeth Gibson, Nantucket Town Manager
James Hagerty, Edgartown Town Administrator
Wendy Brough, Oak Bluffs Acting Town Administrator
Joseph LaCivita, Vineyard Haven Town Administrator
Jennifer Rand, West Tisbury Town Administrator
Timothy Carroll, Chilmark Town Administrator
Jeffrey Madison, Aquinnah Town Administrator