



BARNSTABLE
Water Resources



**Town of Barnstable
Comprehensive Wastewater Management Plan
Ad Hoc Committee**

Meeting Minutes

Date: January 28, 2025

Location: Selectman's Conference Room, Town Hall, Second Floor

The meeting will be televised live via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

Committee Members Present (In-Person):

Scott Horsley, Chair; Brian Hughes, Vice Chair; Tom Cambareri; Zee Crocker; Rob O'Leary; Louise O'Neil; Butch Roberts; Kris Clark, Town Council

Committee Members Present (via Zoom):

Gordon Starr, Town Council

Committee Members Absent:

Glenn Snell; Paul Neary, Town Council

Others in Attendance:

Rob Steen, Assistant Director, Department of Public Works; Griffin Beaudoin, Town Engineer, Department of Public Works; Amber Unruh, Special Projects Manager, Department of Public Works; Michelle Trask, Director's Executive Administrative Assistant, Department of Public Works; Kelly Collopy, Communications Manager, Department of Public Works; Chris Gadd, Communications Assistant, Department of Public Works.

Agenda:

Call to Order

Scott Horsley, Chair, called the January 28, 2025 meeting of the Comprehensive Wastewater Management Plan (CWMP) Ad Hoc Committee to order at 5:59 PM. Councilor Clark noted the early start time, which was a result of a fast-running clock. The meeting was re-called to order at 6:00 PM. The meeting of the CWMP Ad Hoc Committee was held in a hybrid fashion, with committee members attending in both the Selectman's Conference Room (Barnstable Town Hall) and virtually via Zoom.

Administrative Items

a) Recording Notice

Chris Gadd, Communications Assistant, Department of Public Works, read the notice of meeting recording.

b) Roll Call

Chris Gadd, Communications Assistant, Department of Public Works, conducted a roll call from the committee. The attendance of members is reflected above.

Chris introduced Kelly Collopy, Communications Manager for the Barnstable Department of Public Works, who will be assisting the committee in completing the 5-year update of the CWMP. Kelly notes she is excited to be back and looks forward to hearing from the committee.

Chris noted that, as previously communicated, hybrid meetings of the committee are now permitted. When there is hybrid attendance, a roll call vote is required.

c) Approval of Meeting Minutes

Scott Horsley, Chair, moves to discuss the December 16, 2024 meeting minutes. Butch Roberts comments that the meeting minutes are "very thorough". This sentiment is echoed by Louise O'Neil and Councilor Clark. Hearing no suggested edits, Brian Hughes moves to approve the minutes. Councilor Clark seconds. The committee unanimously votes to approve the December 16, 2024 meeting minutes.

Roll Call: Louise O'Neil (Yes), Butch Roberts (Yes), Rob O'Leary (Yes), Zee Crocker (Yes), Brian Hughes (Yes), Scott Horsley (Yes), Gordon Starr (Yes), Kris Clark (Yes)

Scott requests in future minutes to have a running list of draft policy recommendations and topics.

- Rob Steen, Assistant Director, DPW, cautions that discussions on policy should be held until future meetings when everything has been discussed, as that will allow more time for debate and discussion.

- Scott agrees and clarifies that, due to the duration of the committee, it will be helpful to have a running list of topics recorded in the minutes.
- Councilor Clark notes that not all recommendations are made to Town Council, some go to the Board of Health, or other regulatory bodies.
- Chris Gadd, Communications Assistant, DPW, explains that he has been keeping a list of these topics with some pointers and is happy to keep the list going.
- Zee Crocker notes that he would like to see a short list of talking points that can be followed up on. The topics are complicated, and it will be helpful to have a resource to look back on.
- Butch Roberts notes he feels it is important to have these topics available after each meeting.
- Griffin Beaudoin, Town Engineer, DPW, notes the topics can be captured as discussion items at the end of the minutes.
- Chris states he will compile a list of topics discussed and talking points.
 - Rob Steen notes it should be an addendum to the minutes.
 - Tom Cambareri notes a distinction in when policies will take effect, especially for later phases.
 - Zee Crocker notes this seems like it will be an iterative process as more people are brought in to discuss additional topics.

d) Next Meeting

Scott Horsley, Chair, opens the discussion of when to hold the next meeting. After some discussion, it was decided that the next meeting of the Committee will be Tuesday, March 4, 2025 at 6:00 PM.

Details of the context of the next meeting will be discussed after the evening's presentations.

Presentation on Growth

Scott Horsley, Chair, asks Rob O'Leary to introduce Andrew (Andy) Gottlieb, Executive Director, Association to Preserve Cape Cod. Rob O'Leary notes that he and Andy have worked together on multiple projects related to water quality and improvement.

During Rob O'Leary's time as Barnstable County Commissioner and State Senator for the Cape and Islands, there was significant growth and development. There were clear environmental impacts, but communities were unable to address them due to financial issues and lack of political desire. In the end, there was a clear need for infrastructure. At that point, Andy walked into Rob's office and demonstrated an abundance of experience and knowledge on the topic. A plan in the 1970s for sewer highlighted a need to address growth and the impacts of it, both good and bad.

Andy begins by thanking Rob O’Leary and emphasizing that without him the work would not have been accomplished. Andrew notes that the specific question is that of how growth is dealt with in regard to State Revolving Funds (SRF). The legislation sponsored by Rob O’Leary created a side program on the SRF Loans, which is the primary way state and federal aid is provided to municipalities building wastewater and drinking water infrastructure. Andy states that the base Massachusetts program has a 2% loan, which has typically been better than what can be achieved outside of the program, but not so much anymore.

The legislation created a second category for municipalities doing nutrient management projects. There is nothing in the law that specifies this is for Cape Cod, but the work on nutrient management projects happens almost exclusively on Cape Cod. The program is available for off-Cape communities, but most do not need it or don’t qualify for it.

The loan program provides a 0% interest rate on the principal amount of the loan for nutrient management projects in municipalities that show consistency with the Cape Cod Commission 208 Plan and that post-implementation of the nutrient management plan does not exceed the amount of flow authorized under Zoning and Title 5 at the time the plan was approved. This is commonly referred to as “No Net Flow”. Basically, a municipality is limited at what it is otherwise allowed to do. It is different from the existing flow as it is about what the municipality is authorized to have, not what it actually had at the time. It is within the municipalities discretion of how to allocate the flow between the actual flow and authorized flow. This includes possibilities to pro-rate allocations and changes to zoning.

There are several methods from MassDEP on how to demonstrate “No Net Flow” compliance. A presumptive approach looks at existing flows in existing developments at the time of approval, then utilizes typical flows of the undeveloped properties and adds it to the calculation. There is a site-specific method for unique circumstances where the flow may be atypical, in which there is a chance to make a case to MassDEP about what flows were. All towns on Cape Cod have gone through the process and passed the by-laws to achieve “No Net Flow” and receive 0% SRF loans. It is an easy exercise to do, with similarity in methods.

- Rob Steen, Assistant Director, DPW, notes that the Town of Barnstable has not received a 0% SRF loan as the Town has not passed the requisite bylaws regarding zoning.
- Griffin Beaudoin, Town Engineer, DPW, notes that the Town has been getting a 1.5% loan due to Barnstable being a Housing Choice Group.

Andy continues that the legislation of the 0% interest program originally lasted from 2009-2019. It became clear that more time was needed, and the State legislature extended the program 40 years to 2059.

Andy adds an independent element, a 25% principal subsidy from the Cape & Islands Water Protection Trust Fund. Qualifying for an SRF loan is the sole way to get access to this 25% subsidy. Additionally, there can be between 3.3%-9.9% principal forgiveness from the State Clean Water Trust.

- Andy asks if the staff present know what they qualify for.
 - Griffin Beaudoin responds it has been the 3.3% forgiveness.
 - Andy responds that most municipalities on Cape Cod receive 3.3% forgiveness.
- Scott thanks Andy for the information and requests clarification regarding existing flow and zoning.
 - Andy corrects Scott that it is authorized flow, not existing flow that affects zoning. It is also at the time when the plan is approved, not when you receive the loan.
- Scott asks to clarify that the Town has the right to grow within the zoning, which it's understood is the buildout of the sewer area.
 - Andy responds that in order to qualify for the 0% loan, a commitment must be made to zoning or by-law mechanisms that limit post sewerage plans to the flow authorized at the time the plan was approved.
 - Rob Steen adds historical background pertaining to the first writing of the CWMP. At the time, the Town Council Leadership were not interested in the growth restrictions. That is being reconsidered.
- Scott asks if the decision by Town Council not to pursue the 0% interest loan was because they wanted to allow potential growth beyond what would be allowed with the 0% interest loan.
 - Rob Steen responds that it is his understanding that this was the case.
- Scott asks to clarify what the term of the loan is.
 - Andy responds that the term is variable based on the desires of the borrowing community. Most Cape towns borrow for 30 years.
- Scott asks what happens after the term of the loan and potential limits.
 - Andy responds that during the term of the loan the restrictions would be in place, and any breaking of the loan would put the Town on the hook for the full amount plus forgone interest. After the term of the loan is up, it is unclear if there are any restrictions. Because many plans of this nature are done in phases, it's important not to jeopardize other phases and loans by moving too fast.
- Rob O'Leary asks if the State has an enforcement mechanism in the SRF process.

- Andy responds that the State has a penalty but not necessarily an enforcement mechanism. Andy reminds the group that growth controls are not a pre-requisite of getting an SRF loan. The growth control only applies to the 0% interest loan. If growth was desired, such as in the case of Barnstable, there is no restriction, the loan would just have 2% interest.
 - There is a provision that no more than 15% of the flow of a new collection system project can be for new developments that didn't exist prior to April 1, 1995. The reason for the date is it was the last time Title 5 was updated, exempting the recent changes coming into effect now. The idea behind the funding is to remediate existing problems, not subsidize growth. There are additional caveats, but the ultimate conclusion is the sewer project is intended to capture existing units.
- Zee Crocker asks if that is in regard to actual flow or theoretical flow.
 - Andy responds that it is actual flow.
- Zee adds that it is simply water usage reported by the water departments.
 - Andy adds that private well communities have a bit more difficulty in ascertaining the numbers but there are methods.
- Scott asks if some of the communities mentioned prior would be beyond the 15% limit.
 - Andy responds that "the standard is there, and they look at it".
- Tom Cambareri asks if the authorized amount would be under Zoning and Title 5.
 - Andy responds that the authorized amount for the purposes of qualifying for the 0% interest loan is Zoning plus Title 5 overlay. The presumption is a flow of 440 Gallons per acre under Title 5. If you know the area didn't perk and change it into dense housing to make it look correct on a map, that reduces the flow to that house.
- Scott asks Rob Steen how sewer flows were calculated for each sewer district for the CWMP relative to existing flows.
 - Rob responds that, from the directions of leadership at the time, the exercise of comparing flows in 1995 and the present did not have to occur.
- Scott asks where the calculations for existing flows came from
 - Rob responds that the Town looked at water usage from individual homes, then took 90% of water usage and assumed a certain amount of nitrogen off of that and used that to calculate loads and flows.
 - Griffin adds that there is a buildout projection which is based on existing zoning.
- Tom asks why the Town didn't just use Title 5 flow

- Griffin responded that the Town has the water use data which is simpler and more accurate.
 - Tom notes that regular water flow is half the amount of Title 5.
 - Rob emphasizes that the exercise wasn't done to achieve the 0% offset, the calculations were just for the CWMP.
- Zee asks if, since 1995, average flows have decreased due to water-saving devices.
 - Jim Kupfer, Director, Planning Board, responds that housing stock has certainly increased since 1995, but the number of water saving devices is not readily available.
 - Andy notes that there are several things that come into conflict with each other, such as water-saving devices, increase in intensification of use, increase in rentals, year-round conversions, and outdoor water usage.
 - Scott notes that MEP data shows significantly lower flow at Shubael Pond but much higher concentrations.
 - Andy reminds the group that it is a flow issue, not a load issue.
- Scott says that if we use the numbers for flow, it seems that the 0% interest would allow more load.
 - Rob Steen notes there are two policy desires that are in conflict. These are the desires of the 0% interest loan limiting growth, and a desire to address housing needs and a housing stock problem.
 - Andy notes that if the Town made a conscious choice to concentrate density in specific areas already disturbed, such as downtown, or under-developed areas, both these policies are achievable under the 0% interest restrictions. It does require re-organizing and adjusting.
 - Rob responds that this results in pulling back somewhere else.
 - Andy agrees and notes the other option, which is the one the Town currently utilizes, is to pay the standard interest rate.
- Brian Hughes, Vice Chair, asks if the 0% interest loan would cover only new installations, or would it cover funding for the expansion of existing collection systems.
 - Andy responds that it can be used for either option.
 - Griffin adds that the 0% loan only applies to nutrient reduction projects.
 - Andy adds that it is atypical to have existing sewers. Aside from a few towns in Massachusetts, everyone is starting from scratch.
- Butch Roberts asks to confirm that phosphorous is not included in this consideration, as it's based on the 208 Plan.
 - Andy responds that Butch is correct.

- Tom asks how precise other towns' other towns were when they undertook this exercise.
 - Andy responds that they were “directionally correct”.

- Tom notes he believes the decision to not go for 0% interest loans under this program should be reconsidered or at least discussed by this committee.
 - Jim Kupfer explains that the Town Council has directed Town Staff to begin looking at what a policy for this may look like and how it may compare to other communities on the Cape. There seems to be two models: Falmouth/Mashpee and Harwich. A presentation is being prepared for the Town Council to provide an understanding of the 0% interest loan and restrictions.

- Zee Crocker asks if our model has been to ignore the 0% interest loan and just pay the standard interest rate and so we haven't looked too far into the possibility?
 - Rob Steen replies yes, that is the directive given to Town Staff by the Town Council at the time.
 - Griffin adds that yes, we have been paying the standard interest rate.

- Zee asks where we are based on the “headroom” of the math.
 - Griffin notes there is a buildout projection identified in the CWMP. If we were to proceed with a 0% Net Neutral Policy, it's anticipated that it would somehow leverage those buildout projections.
 - Zee asks if we are aware of how much headroom there would be
 - Griffin states there is headroom for buildout but does not know the exact numbers at this time.

- Rob O'Leary asks to clarify whether the Town has accessed SRF funds.
 - Rob Steen clarifies that the Town has accessed the SRF funds, it is the 0% interest element that the Town has not accessed.

- Rob O'Leary asks what the cost to the town is for accruing interest.
 - Councilor Starr responds that it is “millions” of dollars. He notes that the Comprehensive Financial Advisory Committee (CFAC) will be presenting to the Town Council at the same time as Jim Kupfer, in approximately two weeks.

- Rob O'Leary asks if loans can be renegotiated if the Town were to adopt policies to obtain the 0% interest.
 - Griffin responds that past loans would not be able to be renegotiated, only new loans would be eligible for the 0% interest.

- Scott asks to confirm that the Town Council is looking to discuss this topic.
 - Griffin notes a scheduled workshop for later in February to discuss this.

- Rob Steen notes this is being actively discussed.
- Zee asks to clarify what the Town Council is looking to discuss, whether it is a reset of existing loans or how to qualify for new loans.
 - Griffin responds it is to look at the policies to qualify for the 0% interest loans.
 - Scott points out there will likely be a mix of 0% and 1.5% interest loans.
- Rob O’Leary asks if anyone has run the cost of this over the next 20 years and requests if the numbers can be shared with the committee.
 - Griffin responds that yes, the analysis has been done, and the Finance Director has given presentations on this.
 - Scott Horsley notes that the Finance Director is scheduled to present during the next meeting of the CWMP Ad Hoc Committee.

Presentation on Accessory Dwelling Units (ADUs)

Scott Horsley introduces James (Jim) Kupfer, Director of the Town of Barnstable’s Planning Board, to discuss. Scott notes an intersection of conversation with growth and ADUs. There is a new State law pertaining to ADUs and it will be worthwhile to learn more about it and how it may affect the efforts of the committee.

Jim introduces himself and notes he has been in the position for about four months, and with the community for approximately three-and-a-half years. He was previously the Director of Planning for the Town of Bellingham. He has been watching past meetings of the CWMP Ad Hoc Committee and notes the group is aware of the issues in the community and agrees that the ADU conversation is something for the Committee to discuss. It is unknown how much impact ADUs will have on the CWMP, which he will discuss tonight.

Jim starts his presentation by noting that the State recently passed the Affordable Homes Act, which has an updated Accessory Dwelling Unit (ADU) requirement across the Commonwealth. Barnstable had by-laws pertaining to ADUs prior to the State Act, which he will discuss in more detail later in his presentation.

Jim provides an overview of what an ADU is, equating it to a small apartment on a property. The Town of Barnstable’s definition identifies it as a self-contained unit, inclusive of sleeping, cooking, and sanitary facilities. These can be attached to the primary residence or detached entirely but must be on the same lot as the primary residence with the same ownership.

The Town first looked at ADUs through the Zoning & Regulatory Subcommittee in 2020. The Town Council brought the matter up in 2021 as a potential zoning amendment. The adoption by the Town Council came with two modifications:

- Either the primary or secondary unit may be rented at any time.

- ADUs over 900 square feet of habitable floor area require a special permit.

In July of 2021 the ordinance was approved and put into effect. As of January 2025, there are 44 ADUs in town.

When the State passed the Affordable Homes Act, discussions with various Town Staff including the Legal Department were held to determine inconsistencies and make it so the local law matches the State law. The Town can be slightly more restrictive but cannot be inconsistent with State law.

Notable items include:

- The State law removed the ability to impose owner/occupancy requirements such as Barnstable's rental rule.
 - Under this, both structures could be rental units.
- State law affirms the ability to regulate or prohibit short-term rentals.
 - The Town's ordinance requires year-round occupancy, and it is interpreted as adherent to the State law.
- State law states a municipality cannot require special permits if the structure meets the definition of an ADU.
 - The Town's permit for a structure greater than the definition of an ADU is believed to be adherent to the law.
- State law clarifies that the square footage reference in the definition of an ADU refers to the gross floor area, not habitable floor area.
 - This could reduce the size of the structure being used as an ADU and could be limiting to builders and occupants.
- State law states a municipality cannot impose parking requirements in excess of one parking space per ADU. In addition, no parking space can be required when the ADU is within 0.5 miles of a commuter rail station, subway station, ferry terminal, or bus station.
 - Initially it was believed that this mostly did not apply to Barnstable, except for areas near the ferry terminal and bus terminal. Upon closer inspection it was found that flagging areas for bus stops count in this calculation. This resulted in the bylaws being modified to address parking issues.

Jim continues that several amendments are making their way through Town approvals and legislature, with a vote on February 6th to potentially approve the amendments. Jim reviews additional changes to be made, as follows:

- Barnstable allows one ADU per lot, with no allowance for a second.
 - State law allows a special permit for additional ADUs on a lot. A special permit is filed through the Zoning Board of Appeals.
- The legislation on Primary and ADU entrance is essentially the same and does not need to be modified.
- Barnstable allows 2 bedrooms/2 occupants with a special permit for additional occupants, excluding people under 18.
 - State law does not have a requirement pertaining to occupancy.

- The legislation on Zoning Requirements is essentially the same and does not need to be modified.

Jim explains that these laws take effect on February 2, 2025. The final version of the regulations was published last week. An additional review did not show any further changes needed. State law does supersede local law, so any discrepancies will adhere to State law.

- Zee Crocker asks if he has a four-bedroom house on a 1-acre lot, can he still add an ADU?
 - Jim responds that if the property is connected to sewer or meets the proper septic requirements, yes.
- Scott thanks Jim and notes the timeliness as the law goes into effect in a few days. He asks Jim, along with Andy and the DPW Staff, how this affects the CWMP. He also adds 40B housing requirements. Additionally, how does this play into the 0% interest loan that Andy just presented on.
 - Jim responds that, based on his understanding, the discussion of ADUs was not a part of the growth buildout for the original CWMP.
 - Rob Steen notes that legislation did not exist at the time.
 - Jim adds that the number of ADUs will take up a portion of the new growth.
- Rob Steen notes that, while the committee works on these issues, additional work is being completed to provide the perfunctory elements of the update, such as collecting data on how much work has been done. Part of this will be a review by Jim of the buildout projections, as things have changed. This has been targeted for April to look into that information. After that review, the Town will have a better sense of how adding an ADU may affect buildout projections and related items.
- Scott asks if the Town opts for a 0% interest loan in the future, how does the Town administer the law regarding ADUs, if it would exceed the limits.
 - Andrew Gottlieb responds to buy more open space
 - Scott notes Andy's presentation and the ability to trade off areas.
 - Andy responds that, yes, if ADUs start cutting into growth, you can downzone in other areas or take land out of potential housing production and mark it as conservation land. The conversation about potential impacts between ADUs and growth was not discussed in the formulation of the ADU bill as it affects a small number of municipalities. He does see this as a future problem and cautions not to let potential impacts affect current discussions.
- Scott asks where the Town is on the 10% 40B requirement

- Jim responds that after a recent update of subsidized housing inventory, the Town is at approximately 7.3%, which is under the requisite 10%. Over 700 units would need to be added as affordable to reach 10%.
- Scott notes his sense that 40Bs and ADUs would be generally good to put in a sewerred area. He asks how involved this committee will get involved in this.
 - Rob Steen responds that the discussion on ADUs is related to the conversation on Innovative/Alternative (I/A) Systems and proposals from that. As he understands it, the proposal did not include these on the sewer system, as by definition going with an I/A system is outside the realm of influence of the 0% interest loan.
 - Andy adds that it depends on how I/A systems are financed. While nobody has done this yet, a large I/A system purchase using SRF funds would impact this. When the program began in 2009, nobody thought of this.
- Zee notes confusion around the structure of the loans and how much of the discussion so far has been in terms of load. He asks to clarify that the metric we are beholden to for 0% interest loans is flow.
 - Rob Steen responds that it is his understanding.
 - Andy responds yes.
 - Griffin adds that the programs are trying to achieve different objectives.
- Rob Steen adds that the programs came about at different times in the Cape's development. Circling back to Scott's point, the incentivization of ADUs can be beneficial especially in places where the plan for sewer does not reach. If the area is in a zone that will be sewerred, it will be necessary to look at how that affects the plans and the Town Council's decisions play a major part in that.
- Zee notes that it appears Wellfleet will be able to utilize SRF funding for I/A systems.
 - Rob Steen notes it may be traditional funding, not 0% interest funding.
 - Andy indicates it is not possible to bifurcate loans, to select which loans will be 0% and which will be 2%. Once the 0% interest loan "line" has been reached, you can't cross back over it with other loans. If the Town were to go to a 0% loan, they would not be able to go back to 2% on a subsequent loan until the 0% loan is paid off.
- Zee asks if the Town would be locked into 2% loans for the life of those loans, before the Town could apply for a 0% loan.
 - Andy responds that, no, new loans can be at a 0% interest rate.
 - Griffin clarifies that new loans are received on a yearly basis for the projects.
- Rob O'Leary asked why other towns were able to meet the requirements for 0% interest loans early on, but not Barnstable?

- Griffin responds that it was a policy decision.
 - Rob Steen notes the policy decision was made by the Town Council leadership at the time.
 - Rob O’Leary adds that there was no restriction on growth, just the fear of possible impact to growth.
 - Andy responds that, as previously noted, it’s the difference in different governments. He mentions a vote with the Mashpee Select Board that was focused on keeping borrowing costs as low as possible and the vote passed in moments.
- Zee asks Andy about the source of SRF funding, presuming it comes from the Federal government, and whether the recent federal freezing of budgets would impact SRF.
 - Andy responds that the recent federal budget freezing is a minor hiccup. The corpus of the loan fund is between \$6-\$7 billion dollars, which is continually fed by loan repayments. The Federal Capitalization Grant is approximately \$60 million, which does not significantly impact the SRF.
- Scott Horsley suggests that the decision not to obtain the 0% interest loan was made at a time when the Town council had more interest in development.
 - Rob Steen responds that the council at the time was interested in new growth dollars. At the time of the initial policy decision, to maintain staff at current levels without an increase in taxes was \$1 million.
 - Councilor Clark adds that this is now closer to \$2 million.
 - Rob Steen adds that at the time of the original vote, anything that threatened the concept of being able to bring in new growth dollars was seen as detrimental by the Town Council.
 - Andy notes that taxes would be raised to pay for the interest, more than would be raised with new growth.
- Scott asks to confirm his understanding that the Town Council is looking to reconsider the 0% interest loan feasibility. There may be a “re-shuffling of the deck” to figure out where growth may occur. This committee won’t be handling the allocation of spaces, as that is handled by Jim and his staff.
 - Jim agrees and states the current growth policy and standards in zoning reflect growth incentivized zones, including a resource protection overlay district. The conversation has already begun on looking at where growth may occur.
- Scott notes his assumption that there will likely be 40B proposals targeting sewer areas to avoid the Title 5 restriction. The 0% interest loan would also contribute to that math.
- Councilor Clark inquires if the vote to go Flow Neutral and obtain the 0% interest loan requires a simple majority or two-thirds vote.

- Jim responds that he does not have that answer readily available but will get the answer in time for the upcoming workshop.
- Tom Cambareri inquires if Jim and his staff plan to look at by-laws in other towns and how it has been implemented, as he believes it will be key to research.
 - Griffin responds that many of the by-laws the Town has already looked at don't get into the weeds, boiling it down to identifying the flow in the CWMP and not being permitted to exceed it. This is the general direction the Town would likely take.
- Councilor Starr notes he is glad this topic is being brought up as he has been pushing for it for two years.
- Zee notes an interesting element that “many, many people” have an ADU but it is not identified as such. By validating the ADU it could trigger a tax increase, but the existing flow may not change.
 - Griffin notes that the original calculations utilized water use data for flow projections.
- Griffin notes surprise at the small number of ADUs identified in Barnstable.
 - Zee adds that even places like California haven't seen large numbers of ADUs.
 - Councilor Clark adds that she has heard the cost of construction is prohibitive.
- Councilor Clark inquires if the Town were to incentivize properties not targeted to receive sewer to go to an I/A System, does that change the equation?
 - Scott responds that if the Town were to utilize SRF funds for I/A Systems then yes.
 - Rob Steen clarifies the question as relating to “white areas”, those areas not being targeted for sewer, and whether anything the Town does in those areas would benefit. This would depend on the watershed. Broadly speaking it could help and the CWMP is the minimum needed to be done to get regulatory compliance. The community can, and in his personal opinion should, decide to do more, such as the decision to replace a failed Title 5 with other technology.
 - Rob Steen, responding back to Councilor Clark's question, states it will generally help, but will depend on the specific watershed and it's difficult to determine just how helpful it may be. There are watersheds where there is not much white space for these incentives. One of the values of phasing the CWMP is being able to look at additional alternatives such as cranberry bog restoration and aquaculture and possibly being able to remove the need for sewer and change it to I/A Systems.
- Zee notes that, ironically, this has nothing to do with the conversation about 0% interest loans as it's a flow issue.

- Rob states this is correct and exactly his point. He reiterates that, when the plan was written, the Town Council provided the guidance that standard loans would be utilized so as not impact growth.

Review of Committee Topics

Scott Horsley transitions the meeting to discuss future meeting topics. Scott notes that Wellfleet recently passed legislation to require any new system to be an upgrade, including any failures and property transfers.

Scott notes that he, Brian Hughes, Rob Steen, and Chris Gadd got together to brainstorm future meeting topics. He wants to review the list and see if there may be anything that could be added. Chris shares a document with the proposed list of meeting topics.

The proposed future meeting topics are included as a list in an addendum to this and future meeting minutes.

Amber Unruh notes a point of clarity that the next meeting is scheduled for March, while the document lists February.

- Chris Gadd clarifies that during the formulation, the months were used as a guide, but nothing is tied to the months shown.

Scott asks if the next meeting (listed as #5) is too packed and inquires how long Mark Milne will likely present for.

- Rob Steen guesses that Mark Milne will need approximately 30 minutes for a presentation and 20 minutes for questions.

Scott opens the question to the committee.

- Tom Cambareri notes a recently published document [A Summary of the Town's Income, Spending and Investment for Fiscal Year 2024] from the Comprehensive Financial Advisory Committee (CFAC) which includes the information for financing of the CWMP as follows: "It's impossible to estimate the total 30-year cost to implement the CWMP because it will span decades. The original 30-year cost estimate in 2021 was \$863 million. Since that time, the costs have increased to well over \$1 billion."

Scott suggests keeping the next meeting as is with both the Board of Health/Health Division and the Finance Division being present.

Scott requests for Meeting #6 on additional alternatives a report on shellfish aquaculture. In Wellfleet they have been able to show a significant increase in landings from the MEP model. Using the Cape Cod Commission's technology matrix an estimate can be made for load reductions.

- Amber Unruh notes she is unsure how much the shellfish landings have increased in the last 25 years but will work with the relevant people to get that information.

Scott notes in regard to Meeting #7 on the upgrades to the Water Pollution Control Facility and related items that he had met with CDM Smith to discuss the effluent disposal and limitations on mounding. This would be a good topic to update the committee on.

- Tom Cambareri notes this is a “huge” topic to look at and there’s a lot of information on it. He would like to review the modeling and look at mounding on-site and the general approach of nine wells to mitigate potential mounding. He questions the reference to Reverse Osmosis (RO) in the FY24 Annual Update and whether it applies to the current upgrade.
- Rob Steen responds that the committee will discuss this in more detail at the meeting. To answer Tom’s question, the current upgrade is to take nitrogen from 6mg/L to 3mg/L. This involves a four stage Bardenpho followed by a membrane bioreactor. This technology allows the Town to enhance their abilities through either GACC or RO. If this were to be needed, a further discussion would be held about which technology to utilize. RO produces “basically distilled” water. At that point the plant would be state-of-the-art. There is no intent to add an RO unit on the plant as part of the current upgrade. This upgrade produces an effluent quality that further technologies can deal with.

Tom inquires what would happen with the water pumped out for mitigation, should that be treated by RO for redistribution?

- Rob Steen replies that no, it is part of the larger conversation to be addressed in April.

Tom requests additional information that may not be able to fit into a two-hour meeting.

- Rob Steen offers Tom the opportunity to meet with CDM Smith and discuss modeling.
- Scott notes he would be happy to sit through the discussion again and would welcome any other member of the committee who may wish to join.
- Councilor Clark makes a note to ensure adherence to Open Meeting Laws.

Councilor Clark adds that, when possible, it would be beneficial to have the slide deck of presentations ahead of time and allow committee members the chance to review the meeting and possibly shorten the meeting.

- Rob notes that his assumption is that the presentation from Mark Milne will not be as significant as the questions brought forth by the committee. It will be a good opportunity to dive deep into the “how” and “why” the paths were chosen.

Scott provides a brief overview of the remaining meeting topics and asks the committee to think about any topics that are not on this list but should be included in future meetings.

- Rob Steen notes there is a desire to bring recommendations to Town Council in September and to keep that in mind when planning meetings.

- Butch Roberts inquires about a visit to the Massachusetts Alternative Septic System Technology Center (MASSTC) that had previously been brought up.
 - Chris Gadd notes this was initially brought up as a tour of the facility
 - Scott Horsley notes MASSTC recently constructed an education center and would likely be willing to demonstrate that and tour the site.
 - Some discussion is held regarding adherence to Open Meeting Laws.
 - Scott Horsley inquires how many people would be interested in attending.
 - Five members (Kris Clark, Louise O’Neil, Butch Roberts, Brian Hughes, and Scott Horsley) indicated their interest in a tour.
 - Scott asks Chris Gadd to reach out to MASSTC and find out more information about a potential tour.
 - Chris agrees to investigate a MASSTC Tour.

- Brian Hughes inquires about the assistance, if any, the Town could give to property owners if the Town were to require I/A systems.
 - Scott notes this question could be included in the discussion with Mark Milne.
 - Councilor Starr notes that the Town of Falmouth is dealing with this issue currently as you cannot subsidize an I/A System on a private piece of land. They are looking at creating a tax credit or refund from the state to help subsidize costs.
 - Scott notes he spoke with leadership in Falmouth, and they reported an agreement has been made with MassDEP and SRF that equipment could be funded, but not the installation.

- Rob O’Leary asks to clarify his understanding, that Town Council will be revisiting the issue of SRF funding and 0% interest loans soon.
 - Jim confirms that they will be, with a meeting scheduled for February 6.
 - Councilor Clark notes it is a discussion, not a vote.

- Rob O’Leary asks to clarify whether the 0% interest rate and related restrictions would apply to the entire plan.
 - Rob Steen responds that it is his understanding that if elements of the plan, such as I/A Systems are not being financed through SRF and are not within area that will be sewerred, then that flow is not part of the plan.
 - Griffin states the Town could control where the land use controls apply to.

- Scott raises the question of applying SRF to sewerred one year and I/A systems the next year and when land use controls apply.
 - After some discussion, it was determined that further talks would be needed to ascertain a definitive answer.

- Scott asks if the Town were to go for the 0% interest loan and 40B housing comes along in the sewer district, i.e. raising the flow, but 40B throws out zoning, what happens in that scenario?
 - Jim responds that it would not have been contemplated in the buildout projection.
 - Griffin responds that the buildout projection calculates max buildout on every parcel under current zoning.
 - Scott notes that 40B isn't zoning
 - Griffin agrees but notes that not every parcel gets max buildout.
 - Scott wonders if when the 40Bs come along, will that require the Town to fix something in the sewer district.
 - Griffin responds that it is possible.
 - Tom notes he is unsure of what enforcement really occurs or if the capacity even exists for enforcement. He was in the room when the legislation was being written and notes a multitude of different options of where to apply or not apply certain items. The 0% interest loan is the pot of gold in all of this.
 - Councilor Clark notes her agreement with this.

Scott asks that if there are any other topics or ideas thought of by the committee to please email him and Brian to discuss.

Committee Check-in/Q&A

Scott Horsley, Chair, opens the floor for any questions the committee may have.

Councilor Starr asks that, since the next meeting will be the first week of March, is the next meeting going to be at the end of April or could there be a meeting at the end of March.

- Councilor Clark notes this is a good idea as April is when Town Council goes into budget season.
- Scott notes there will likely be two meetings in March, the previously scheduled one on March 4, and another near the end of March. The date for the end-of-March meeting will be determined at the March 4 meeting.

Public Comment/Questions

A member of the public commented that this group is the “most professional group that I’ve seen in my years here. The level of contribution given and the way you’ve expressed it; you better show up at the Town Council.”

Chris Gadd brings up a series of interactions with a constituent regarding grinder pumps and a desire for the committee to review the current Town practice regarding them.

- Rob Steen suggests adding this to the list of policy questions to be discussed by the committee, specifically how they are handled, who pays for them, and who pays for the maintenance.
- Tom Cambareri notes he previously asked where people can look to find out if they will need a grinder pump as this should be known ahead of time.

- Griffin responds that residents are notified prior to commencing construction about the need for grinder pumps. This is accomplished through a letter to the property owner, which goes over why the pump is needed and an explanation of the cost/installation. This notification is sent once final designs are complete, which is approximately 2-3 years prior to the property owner needing to connect.
- Tom asks if there is any 25% design level option
 - Griffin responds that we do utilize 25% designs, and the Town hosts informational meetings on projects throughout the design process. Due to potential changes throughout the design process, the preference is to not cause unnecessary alarm.
- Tom notes a personal interest as he lives in the Long Pond Area
 - Griffin notes that he is welcome to talk with him offline. The project is in the preliminary design phase, but certain assumptions can be made based on topography.

Matters Not Reasonably Anticipated by the Chair

No matters were heard.

Adjournment

Rob O’Leary moves to adjourn the meeting. Butch Roberts seconds. The committee unanimously votes to adjourn the meeting. The meeting is adjourned at 7:48 PM.

Roll Call: Louise O’Neil (Yes), Butch Roberts (Yes), Rob O’Leary (Yes), Zee Crocker (Yes), Brian Hughes (Yes), Scott Horsley (Yes), Gordon Starr (Yes), Kris Clark (Yes), Tom Cambareri (Yes)

Respectfully submitted by Christopher Gadd, Communications Assistant, Barnstable Department of Public Works

Addendum 1: Proposed Meeting Topics

All meetings are subject to change. Official agendas will be posted to the Town of Barnstable's Website in accordance with Open Meeting Laws.

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|------------------------------|
| Meeting Held/Topic Discussed |
| Next Meeting/Topic |
| Future Meeting/Topic |

- Meeting #1 (Held Tuesday, October 22, 2024)
 - Introductions and overview of Town Council & DPW wishes for the committee.
- Meeting #2 (Held Monday, November 18, 2024)
 - Opportunity to ask questions from assigned homework to get up to speed on the current CWMP.
- Meeting #3 (Held Monday, December 16, 2024)
 - Presentation on Enhanced Innovative & Alternative Septic Systems.
- Meeting #4 (Held Tuesday, January 28, 2025)
 - Presentation on Growth
 - Presentation on Accessory Dwelling Units
- Meeting #5 (Scheduled for Tuesday, March 4, 2025)
 - Discussion with Board of Health/Health Division on Title 5 systems
 - Tom McKean, Director, Health Division
 - Tom Lee, Chair, Board of Health
 - Presentation on overall approach to funding of the CWMP
 - Mark Milne, Director, Finance Division
- Meeting #6 (Tentatively Late March)
 - Presentation on Additional Alternatives such as dredging and cranberry bog restoration
 - Amber Unruh, Special Projects Manager, Department of Public Works
- Meeting #7 (Tentatively April)
 - Update on Water Pollution Control Facility nitrogen reduction upgrade and effluent disposal evaluations
 - Rob Steen, Assistant Director, Department of Public Works
- Meeting #8 (Tentatively May)
 - Discussion of the view of the CWMP through the lens of the Local Comprehensive Plan (LCP)
 - James Kupfer, Director, Planning Board
- Meeting #9 (Tentatively June)
 - Formulation of recommendations to be made to Town Council
- Meeting #10 (Tentatively July)
 - Meeting topic TBD based on Meeting #9
- Meeting #11 (Tentatively August)
 - Meeting topic TBD based on Meeting #9 & 10
 - *Around this time the goal is to make presentations to Town Council*
- Meeting #12 (Tentatively September)
 - Review of feedback from Town Council on proposed recommendations
- Meeting #13 (Tentatively October)
 - Final recommendations, discussions, and any other related topics.
- Meeting #14 (Tentatively November)
 - Hold for final discussions.
- Meeting #15 (Tentatively December)
 - *Potentially not needed*
 - *CWMP must be submitted to MassDEP in December 2025*

Addendum 2: Potential Policy Discussion Items

Accessory Dwelling Units (ADU)

- *Information on ADUs was presented by James Kupfer at the 01/28/25 Meeting.*
- ADUs recently became codified under Massachusetts Law
- Specific questions pertaining to ADUs include:
 - Can sewerage and I/As incentivize ADUs, and vice versa?

Grinder Pumps

- *A request for this practice to be discussed was made by a resident through the DPW staff.*
- The current practice for grinder pumps is the first pump is purchased by the Town then becomes the responsibility of the property owner.
- Specific questions pertaining to grinder pumps include:
 - Should the existing practice be formulated/continued as is?

Innovative/Alternative (I/A) Systems

- *Information on I/A Systems was presented by Zee Crocker at the 12/16/24 Meeting.*
- Enhanced I/A systems are approaching general approval by MassDEP and the committee could evaluate recommending I/A systems as part of the CWMP.
- Specific questions pertaining to I/A systems would include:
 - How to determine the usage of specific technologies
 - When could I/A systems be required to be used?
 - How could I/A systems be implemented & funded?
 - Would I/A systems be used in specific watersheds or across town?

Private Roads

- *A request for this practice to be discussed was made by DPW Staff*
- The current practice for private roads is for the Town to obtain an easement for sewer installation.
- Specific questions pertaining to private roads include:
 - Should the existing practice be continued as is?
 - Alternatively, should the Town take the road?

Sidewalks

- *A request for this practice to be discussed was made by DPW Staff*
- The current practice for sidewalks is to not include them in a CWMP project, instead submitting them as their own individual project.
- Specific questions pertaining to sidewalks include:
 - Should the existing practice be continued as is?

State Revolving Fund (SRF) and 0% Interest Loans

- *Information on SRFs and 0% interest loans was presented by Andrew Gottlieb at the 01/28/25 Meeting.*
- Town Council is workshopping potential changes.