The Coastal Resiliency Action Committee
MEETING MINUTES - TUESDAY, JANUARY 15, 2019
Old Water Department, Falmouth Town Hall, 4:00 p.m.

Present: Charles McCaffrey, Chair
Melissa Freitag, Vice-Chair
Jamie Mathews
Andrew Ashton
Paul Dreyer
Ed Schmitt
Jennifer McKay, Administrator – Conservation Commission
Brendan Lynch, Conservation Agent

Also present: Mark Gurnee, Conservation Commission

Mr. McCaffrey opened the meeting at 4:05 p.m.

Presentation by Steve McKenna from MA Coastal Zone Management
Mr. McCaffrey introduced Steve McKenna.
Steve McKenna: Through our grant program we have given $4 million in grants. I’d like to talk about what we’re doing and how we can help you.
Ms. McKay asked Steve to help the Committee decide what type of grant we should apply for.
At the end of January the action grants will be released. It’s important for us to put in for this round.
Mr. McKenna: You’re well positioned for this round. It will be ready soon and there is a second round coming out in the spring.
Ms. Freitag: Why didn’t we get it last time?
Ms. McKay: They said it was too ambitious and we had added an assessment to it.
Mr. McKenna: We don’t manage that program - that’s MVP.
Mr. McCaffrey: When is your grant going to be announced?
Mr. McKenna: In mid-April and is due at the end of May. Everyone should go through MVP first.
Mr. McCaffrey: We have more detailed planning to do. We will have more of a specific focus with detailed planning. It may be more receptive to the process.
Mr. McKenna: Strategically you should go with MVP. They are really looking for an implementation program.
Mr. McCaffrey: CZM would have more understanding.
Mr. McKenna: You might get the resiliency projects. The funding process is pretty competitive.
Ms. McKay: We can put multiple projects into a few different projects. It can be cash matched.
Mr. McCaffrey: We have $100,000 of matching funds from the Town. I hope it puts us in a good place.
Mr. McKenna: It’s not supposed to, but I think it does.
Ms. McKay: We can use the $100,000 for smaller projects, but also for matches.
Mr. McCaffrey: We may need some for a feasibility study.
Ms. McKay: The Trunk River sewer main may need a feasibility study and it won’t be cheap. We will have to work with the Town Engineer. We have gone over our action items and the different types of priorities and how they rank in our program.

Mr. Dreyer: Is there a preference for certain communities that have more severe problems?

Mr. McKenna: It’s not built in but there is concern for some of those communities. They also like to spread it out over the State.

Mr. McCaffrey: Falmouth has 95 miles of shoreline, but I assume Plymouth has more. We won’t have the results of our Vulnerability Assessment by April. It’s significant but it’s focused on the Town assessment.

Mr. McKenna: We’ve done it on all levels – policy wise – climate change – all the State agencies have to incorporate climate change. I do a lot of project review – trying to look at that aspect – transportation aspects, etc.

Mr. McCaffrey: The Town must consider that also.

Mr. McCaffrey: You guys can come up with a bylaw and have it updated into the building codes.

Mr. Ashton: We should do something about the erosion rate – you can’t build within that 30 year zone.

Mr. McCaffrey: Data on recession rates is good. Are you looking at sea level rise in recession rates?

Mr. McKenna: Yes. It’s not exact science yet but we hope to have that within the next 12 months.

Mr. McCaffrey: I don’t believe Woods Hole Group is incorporating sea level rise in recession rates.

Mr. Dreyer: I believe they are.

Mr. McCaffrey: Not in determining erosion rates.

Ms. McKay: There is a part of the model that determines erosion rates.

Mr. McCaffrey: But I think the projection is determined on the past rates.

Mr. McCaffrey: The State has adopted a sea level rise projection for planning on State level projects. We haven’t. I recommend going to the middle of the curve – longer term be more conservative – shorter less conservative.

Mr. McCaffrey: NY has put in a specific number for State agencies to follow. We don’t want to be debating that number. We want to say this is the number we’re using.

Ms. Freitag: Right, others can use it or not.

Mr. McCaffrey: We also need to address the legal aspects. Who has been thinking about this?

Ms. McKay: The State has to start looking at coastal properties. There are 100s of millions of dollars in property just in Falmouth. Has there been any discussion re this?

Mr. McKenna: It’s been kicked around. Nothing tangible has been put forward or incorporated in regulation change at the State level or the Cape Cod Commission. It starts here with the regional planning agencies.

Mr. McCaffrey: It’s mainly that the State cannot make laws specific to a certain municipality.

Mr. McKenna: In order to manage Nantucket Sound you would have to have all the Towns go along with it.

Mr. McCaffrey: Any change is a political decision.

Ms. Freitag: If private homes fall into the sea, what happens?

Mr. Schmitt: They took a risk by buying these properties.

Mr. McKenna: The Wetland Protection Act has been around for 30 years – I haven’t seen anything on that.
Mr. Ashton: What about the impediment of sediment flow? Does the State have any framework for that?
Mr. McKenna: The WPA prohibits certain structures. There are some tools in place - sediment sources and groin fields.
Mr. Ashton: If you build a groin your down neighbor will be losing sediment.
Mr. McCaffrey: Do you have a data base re groins along the shoreline?
Mr. McKenna: Yes.
Ms. McKay: On private property?
Mr. McKenna: No.
Mr. McCaffrey: You can modify shore protection structures for more resiliency.
Mr. McKenna: Yes, but they fail overtime. The Wetlands Act is a permit to rebuild.
Ms. McKay: In a few cases in Falmouth, if a licensed structure has failed then ConCom has allowed them to rebuild. There was one at the end of Davisville Extension that collapsed – a 40-ft Town section collapsed. They had to rebuild it.
Ms. Freitag: Why?
Ms. McKay: It was protecting two structures on either side. The Association portion added a beach nourishment component to it. The Town was looking at it as a problem.
Mr. McCaffrey: How do we change our prospective liability?
Ms. Freitag: When they start failing how do we change the whole behavior – not rebuilding just because it was always there?
Mr. McCaffrey: There have been emergency permits to rebuild and we presume it was a valid structure. I’m assuming there are also structures that are not legal as built.
Ms. McKay: They are all over the place. The emergency ones I’ve seen have been legal ones. DEP will issue emergency criteria in an emergency case. They must be built in-kind however. We want to build something more resilient, but the State will tie your hands if you want to go under the emergency regulations.
Mr. McKenna: You can petition DEP. Some shouldn’t be rebuilt. The State has to do this across the State. You can control a lot of this by your wetland bylaw.
Mr. McCaffrey: Falmouth is willing to lead, but we can’t go too far ahead.
Mr. McKenna: The State has provided a bunch of funding.
Mr. McKenna: What about the nature of a property that’s constantly inundated? Who’s looking at that? Things that will be permanently under water?
Mr. McKenna: I don’t know.
Mr. McCaffrey: Structures that are built on filled land?
Mr. McKenna: In general if that happens, it becomes Town or State land.
Mr. McCaffrey: Who are the lawyers dealing with this?
Mr. McKenna: Land Court.
Ms. McKay: This is the charge this Committee has. Changing local wetland regulations can’t be left to one regulatory Board. It has to be a joint effort among many Town Boards.
Mr. Schmitt: And fully supported by the Board of Selectmen.
Ms. Freitag: That should be our next presentation at Town meeting.
Ms. McKay: The Conservation Commission is prepared to look at regulations re coastal resiliency. We have to have the Planning Board and ZBA behind us.
Mr. McCaffrey: There should be no building in a Velocity zone.
Ms. McKay: If we went Town wide – not building in a V zone – we would get push back.
Mr. Dreyer: The new Town Planner and the new head of ZBA are working together.
Ms. McKay: Because it deals with the coastline – we could have ConCon change their regulations to support that but it has to be supported through the Planning Board and ZBA with the backing of the Board of Selectmen.

Mr. McKenna: There is a path forward through the CRS program. It gives you an organized way to see the savings from that.

Ms. McKay: Our GIS coordinator is working with Shannon on that.

Mr. McKenna: It’s a way to find a template to get the community to buy in.


Mr. McKenna: It’s being appealed.

Mr. McCaffrey: Anyone else?

Mr. McKenna: Oak Bluff is but it’s not as restrictive.

Ms. McKay: Through the Town or Martha’s Vineyard?

Mr. McKenna: The Town.

Mr. McCaffrey: We should compile a list of the best examples.

Ms. Freitag: What’s Scituate doing these days?

Mr. McKenna: It’s not in my district.

Mr. McCaffrey: The public is suing – in Nantucket doesn’t the Town have to provide a road?

Mr. McKenna: I don’t know. The Town was looking for another access.

Mr. McCaffrey: The California coastal community was given permits with a 20 year limit.

Ms. McKay: The California coastal community is constantly in court.

Mr. McCaffrey: But they win.

Ms. McKay: Sometimes. They are just kicking the can down the road for 20 years.

Ms. Freitag: How much land do we have that’s still buildable on the coast?

Ms. McKay: Most is raze and rebuild. We are allowing a certain percentage to rebuild.

Ms. Freitag: Orleans did something like that years ago.

Ms. McKay: They can’t increase the footprint by 40 or 50%.

Ms. Freitag: Property rights can’t pass the stretch code.

Mr. McCaffrey: The places with permanent inundations are a different possibility.

Mr. Ashton: Somehow Nantucket regulated that project. How?

Mr. McKenna: Under the WPA. About the MVP implementation grant – do you have any ideas for that?

**Discuss Vulnerability Assessment**

Ms. McKay: The Woods Hole Group is looking for a Steering Committee. They need tech data from the Town Departments. Some of our Committee participation would be good. They will be looking at critical assets and infrastructure. I will send out dates tomorrow. They will be meeting with the Town Manager and the Assistant Town Manager, the major division heads in the DPW, etc. - all Department heads with critical assets. Town staff is digging through our information.

Mr. McCaffrey: That is useful for us to hear. There is not a primary role for us, but we should be aware and involved.

Mr. Dreyer: Buildings and assets have been identified?

Ms. McKay: Yes.
Discuss potential projects for MVP Action Grant & CZM Coastal Resiliency Grant

Mr. McCaffrey: We may get an announcement from MVP for an Action Grant. I had a meeting with Ray Jack re Trunk River. That project makes sense for an MVP grant.

Ms. McKay: I think we should set up a meeting with a number of Town Departments. There are a number of smaller projects we could look at also. We would get some idea of the costs of the various projects.

Ms. Freitag: We should have at least one project that is ready to go. We should do a feasibility study on Surf Drive so that we would have ideas ready in case of a bad storm. Maybe one set up for Buzzards Bay, the Trunk River sewer and the new bridge on Menauhant.

Ms. McKay: I’m a fan of the sediment management plan. Target which beaches receive nourishment and when? It helps ConCom and the Beach Committee. We need to know where the sand is going.

Ms. Freitag: That might be more appropriate for CZM.

Ms. McKay: It’s more important to go to MVP. We should go over the projects and see which ones we can come to an agreement on.

Mr. Ashton: We haven’t met with the Beach Committee yet.

Ms. McKay: No we haven’t. That’s good idea.

Mr. Ashton: It would be good to find out their priorities.

Ms. McKay: I will reach out to them.

M. Freitag: We should bring them to a meeting.

Ms. McKay: We should identify a couple of different projects and see if there are a couple of smaller ones for MVP and then have Trunk River for a Coastal Resiliency Grant.

VOTE MINUTES

11/6/2018

Mr. Dreyer: Move to adopt the minutes as corrected.
Ms. Freitag: Second.
Mr. McCaffrey: Unanimous, so moved. 1 abstention (McCaffrey)

11/27/2018

Mr. Dreyer: Move to adopt the minutes as corrected.
Ms. Freitag: Second.
Mr. McCaffrey: Unanimous, so moved.

12/18/2018

Mr. Dreyer: Move to adopt the minutes as written.
Ms. Freitag: Second.
Mr. McCaffrey: Unanimous, so moved. 2 abstentions, AA JMa

OTHER BUSINESS

Committee will consider any matters not reasonably anticipated by the Chair.
Mr. Dreyer: There should be a discussion of the draft report on an agenda.
Ms. McKay: On the 29\textsuperscript{th} there should be a list of projects for the grants. Bruce McCardle will be there.
Mr. Gurnee: There is a movie about restricting the size of properties. It’s called The Pink House.

Mr. Dreyer: Move to adjourn.
Ms. Freitag: Second.
Mr. McCaffrey: Unanimous, so moved.

The meeting adjourned at 5:36 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary