

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, SEPTEMBER 17, 2018
HERMANN MEETING ROOM
FALMOUTH PUBLIC LIBRARY
300 MAIN STREET

JOINT MEETING

**BOARD OF SELECTMEN – CONSERVATION COMMISSION – WATER QUALITY MANAGEMENT
COMMITTEE – COASTAL RESILIENCY ACTION COMMITTEE**

Board of Selectmen Present: Susan Moran, Chair; Megan English Braga, Vice Chair; Doug Jones; Sam Patterson; Doug Brown.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Jennifer McKay, Conservation Administrator; Ray Jack, DPW Director; Peter McConarty, DPW Deputy Director; Jim McLoughlin, Town Engineer; Gregg Fraser, Marine and Environmental Services; Bruce Mogardo, Superintendent of Beaches.

Conservation Commission Present: Mary Schumacher, Chair; Courtney Bird; Elizabeth Gladfelter; Jamie Mathews; Maureen Harlow-Hawkes; Stephen Patton; Kevin O'Brien; Mark Gurnee; Peter Walsh.
Absent: Kristin Alexander.

Water Quality Management Committee Present: Eric Turkington, Chair; Ronald Zweig; Stephen Leighton; Virginia Valiela.
Absent: John Waterbury; Matthew Charette; Thomas Duncan.

Coastal Resiliency Action Committee Present: Charles McCaffrey, Chair; Melissa Freitag; Edward Schmitt.
Absent: Andrew Ashton; Jamie Mathews; Paul Dreyer

1. Chair Moran called the open session to order at 7 pm. Conservation Commission, Water Quality Management, and Coastal Resiliency Action Committee Chairs called their meetings to order at 7 pm.
2. Brief Overview of Conservation Jurisdiction, Permitting, and Enforcement

Conservation Commission Chair Schumacher provided information on jurisdiction, charge, and permitting procedures via Power Point Presentation. Purpose is to contribute to protection of resource values, those were presented on power point. Jurisdiction was defined, including specific types of areas, such as wetlands, and reviewed the areas via PowerPoint. Other areas measured by FEMA and local surveys that changeover time such as land subject to tidal action, coastal flow, flooding, land within 100 feet of all listed on the PowerPoint. Regulations they work with specify what activities are not permitted and provided description. Reviewed the applications and permits subject to their review and approval. If a negative determination, it means the applicant does not need to take this any further and applicant will get Notice of Conditions based on what they presented. Enforcement issues were reviewed; categories include Cease and Desist Order, Enforcement Order, and criminal complaint.

3. Conservation Regulations Related to Coastal Resiliency

Chair Schumacher made a power point presentation. There is discussion between the Conservation Commission staff and county staff regarding proposed changes to standards in the near future. Topics include general performance standards for activities in land subject to coastal storm flow, consideration of sea level rise in construction projects, and designation of a special Falmouth velocity zone. These topics were described and reviewed via the power point presentation.

Charlie McCaffrey, Chair Coastal Resiliency Action Committee (CRAC), noted they would consider regulatory changes. The coastal resources working group made recommendations for regulatory changes and they will be a good starting point to talk with the Conservation Commission about what changes to these standards make sense, particularly regarding the 25 foot velocity zone. The Woods Hole Group is undertaking a vulnerability assessment which will give more accurate assessment of impacts our entire coast can expect to happen from storms, sea level rise, and other change. Looking at adding 1-2 feet to address sea level rise, but projections are higher than that would protect.

Mr. Brown commented that it seems reactionary based on controlling projects and asked what the role the Conservation Commission could take to proactively look at roadways with drainage issues such as Teaticket Path.

Ms. Schumacher was not sure if the charter allows the Conservation Commission to do things proactively, but maybe a directive from the Board of Selectmen to work with other committees to look at projects could be an option. Larger projects are subject to review and subject to the State storm water regulations too, the Conservation Commission implements those on behalf of the State. Certain projects are going on that have not come before the Conservation Commission could be addressed.

Jennifer McKay stated the Conservation Commission is a regulatory board. If the public or committee members see issues around Town, staff could bring concerns to the Town Engineering Department. To take charge to address drainage, would involve another department such as DPW.

Mr. Suso suggested that if something comes to Jen McKay's attention she will contact Public Works or the Town Manager's Office and will be pursued as a matter of routine.

Ms. English Braga noted that this is a role for the community in Town to raise issues they observe and bring to the attention of Town staff and/or the Board of Selectmen.

Charlie McCaffrey noted that being more proactive at a higher level is role of the Planning Board in long term planning so the development and resources are inherently resilient.

Melissa Freitag noted strategic planning takes coastal resiliency into the plan and have it added to the Planning Board.

Water Quality Management Committee member Ron Zweig noted sea level rise result of climate change and coastal storms coming up and are not expected to increase in frequency, but intensity is expected to increase. Falmouth Climate Protection Action Plan approved 9/12/05 as goal of the Town's net energy use to be reduced by 2020. That is a plan that the Town committed to and a way to offset the energy aspects through energy conservation and renewable energy production. Need to make sure to push ahead with reducing energy use and increasing renewable energy production.

Mr. Patterson brought up the capital plan and he felt some monies allocated were nominal at best, need estimates, and may need to raise revenues to put into projects to make use more resilient. Need to prioritize where we should invest for more resiliency.

Melisa Freitag ICLEI and ISD announced that over 30 communities in the world announced they would have zero net energy construction by 2030 and NYC signed that agreement. If NYC can do that, it is something Falmouth can aspire to.

Ron Zweig noted new plant and sewer expansion is huge energy consumer, these need to be considered.

4. Discussion on Perch Pond Dredging

Peter McConarty made a PowerPoint presentation and reviewed the area of Perch Pond and Teaticket Path. The DPW has been working on this project and it requires drainage and they are looking to put a series of infiltration catch basins to catch runoff. There is a private dirt road, the dirt from which washes down

Teaticket Path and into the pond every rainstorm. They are working on detention basin in that area. Consultant working on the survey project, design work is being done in house. It will go to the Conservation Commission shortly. The project started in 2012 and went through state funded roadway funds for the design, after which additional funds were sought. The funding is now through the roadway improvement funds, not through Town Meeting, and if more funds are needed they can go through the Highway Department.

Mr. Suso said they are looking at water quality and related matters to Perch Pond, dredging inquiries have been received by the Conservation Commission. The Conservation Commission denied the more recent request from landowners for permit to dredge and the appeal was denied at the state level. Many years prior there may have been some dredging activities, Mr. Suso does not have information about that.

Ms. McKay said there was a permit for dredging activities in 1999, it has since expired. A 2007 application was withdrawn. MA based on impacts to shellfish resource areas upheld the Conservation Commission denied latest request and the denial. Shellfish cannot recover within 1 year of the dredging and that was one of the points. Most recent application was for navigation and water quality, impact of shellfisheries was problematic.

Ms. Schumacher noted the application was submitted for navigation, it was incomplete, needed a shellfish survey and the one was performed by Chuck, Marine and Environmental Services, was not a full-blown shellfish survey that was required. Perch Pond Association, the applicant, revised their application and came back with more of a water quality based argument. The data submitted was not clear cut and up to date information and it came down to weighing the likely benefits of dredging for water quality versus what would happen to the shellfish resource and habitat. The concerns of shellfish outweighed the benefit from dredging.

Comment was made that is difficult to have a decision model because ponds are so different and site specific. Perch Pond is heavily developed around the pond, heavily impacted from nitrogen coming into the pond and needs to be part of the planning for the Great Pond watershed, which will need to be skewed for water quality. Need flushing of this pond, there has been a gradual narrowing of the area, it is an important factor to consider. The erosion there creates a steady supply of sand that helps narrow it.

Ms. English Braga suggested looking at each watershed and having a comprehensive plan for that watershed.

Mr. Brown noted that dredging used to happen frequently, he hopes to come up with a solution. The water quality is not good, there are no fish left, and we should be looking at it.

Mr. Johnson-Staub said that it is the Water Quality Management Committee working with the Town in the planning process, the committee notes this areas is the next area of prioritization. Fertilizing regulations exist and any nitrogen on the lawns in the area contributes to the nitrogen in the pond.

Ms. Harlow Hawkes cited the steps taken at the West Falmouth and North Falmouth harbors, the people have to take it upon themselves to be proactive, put in IA systems, and slight reduction should be sought. Stop irrigating and fertilizing because those little pieces that make a difference.

Eric Turkington noted that those in the Great Pond watershed and Perch Pond, the next bonding window to do a major project in the Town without raising the tax rate is 2025 and decisions made by Town Meeting and the community are made in the 2022-23 time frame. It is not recommended to put in an IA in the area because it does not make sense. On 12/20/19 they will be filing report with the state with a large conceptual plan for the Great Pond watershed.

Matt I/n/u, 95 Teaticket Path, said that Perch Pond runoff was not just the immediate area, it extends to Joint Base Cape Cod; another noted that Great Pond does, not Perch Pond. Perch Pond went from 133 ft wide in 1994 to 62 ft wide in 2005. It is a kettle pond, some parts are 17 ft deep, and at the lowest moon

tides there are inches of water going into Perch Pond. Kelp gets caught in the pond, deteriorates in the bottom of the pond that he believes led to the 2 algae blooms that occurred this year.

Marc Finneran, Precinct 6, was approached by some on Teaticket Path, he looked into it with Brian House. Improving the water quality of the pond resulting in a negative effect on the shellfish makes no sense to him. They paid for their own dredging and going to put the soils on the banks that were eroding. The sewerage is supposed to be part of adaptive management, with a number of projects they can reduce the amount of sewerage and he feels they are being held captive.

Mike Powers, Teaticket Path, been 3 decades since storm water effect on the pond were identified. Increasing flushing for Bourne Pond was a solution, ironic that what works there does not work for Perch Pond. The dredging for the inlet created an incubator, allowed growth of soft shell clams, now that they are there you can't fix it. Seems that clams are more important than others. Town approved construction of 18 docks, denying dredging is counter to that approval process.

5. Discussion on Great Bay Road Erosion

Mr. Suso noted Mr. McConarty and slide on that area.

Mr. McConarty reviewed the slide, provided history of this property which was donated to the Town in the 1950's. In 2013 there were multiple occasions to see erosion in the areas; 2013 DPW received approval to close four streets of roadways. In 2014 DPW received approval to close another road, totaling about 1500 feet of roadway. At this time there is a plan to close several more streets. There are several homes on Great Bay Street, so not all sections can be closed. The design consultant looked at 5 sections of erosion from the coastal bank, soft solutions and some areas had small armament the cost was projected to be about \$800-1,000 per foot in 2012/13. He has been out there many times reviewing the roadway with the Conservation Commission, the soft solution is preferred way to go. Private owners have some done areas. The DPW willing to move forward with more road closures without blocking residents who live on Great Bay Street. The project area is adjacent to the area of concern.

The vulnerability assessment is due in about a year, they can be asked to focus research on certain spots, including Great Bay. Charles McCaffrey expects much information from the Woods Hole Group Study and that would be important.

Mr. Suso said this is one of several key areas the Town is looking for thoughts/recommendations from the Coastal Resiliency Action Committee (CRAC). The concern is dead-ending thoroughfares which may cause emergency vehicles to have to back up, they would like to avoid that where possible. Some of the work underway currently needs to be delivered to the CRAC before they make recommendation.

Ms. English Braga noted given the public safety concerns, may be interim things that need to happen. There is what we will do to adapt to climate change and resiliency, then other interventions needed. We are at the point where something needs to come to the Board of Selectmen with suggestions after receiving input available at this time.

Mr. Patterson commented that we should be looking at coastal erosion or sediment, need to look at specific areas.

Mr. Brown noted the urgency of the CRAC charge and the need for the Board of Selectmen to make decisions.

Melissa noted Board of Selectmen has capacity to take emergency measures that can be addressed.

Mr. Brown asked what action Mr. McConarty would recommend taking. Mr. McConarty recommended looking at the slope and seeing the options available. The work they looked at was back in 2013. Erosion has occurred on that roadway, the bank varies in heights, and there is erosion in certain areas at the end of the side streets.

Virginia Valiela said the erosion of headlands is caused by wave actions of storms, putting in oyster reefs to slow the wave action is not the same soft solution, but another strategy to break up the energy that causes the erosion.

Public Comment:

Grant Walker, 71 Philadelphia Street, on 10/7/13 Mr. McConarty presented a report to the Board of Selectmen identifying points along Great Bay Street that needed help and may be closed. Subsequent to the report, the Board of Selectmen unanimously approved to proceed with action on that and eventually parts of Great Bay Street were closed. The soft solutions have not been done.

Katherine Wilson, Great Bay Street, asked for road closure, she has noticed other things contributing to erosion of the bank, including drainage pipe. A lot of traffic on remaining portions of the road, often people parking on the banks during the off-season. Long term planning and short term mitigations that can be put in place. They asked DPW and got approval from FPD and FFD she urged the Board of Selectmen to move forward on road closure plans and not hold this up to get something done there.

Unknown person said he represented families with properties from Pocasset Street to Boston, there was an area closed for many years and stabilized with hardscape. Mitigation done by community members was described, for 40 years an area was mitigated. He suggested going down with rock will be crucial fix.

Bob Dolan, Mayflower Street, disagreed with closure of a street. Opposite side of Maravista, all streets are dead end and emergency vehicles back up. He sees no reason why streets cannot be completely closed. The road has become a walking path and there is a safety issue with vehicles using sections of streets.

Frank Lockwadearer (phonetically) said there is a safety issue between Providence Street and Palm Street, so much erosion, one can fall off the cliff. There is no fence, no warning, and is a tragedy waiting to happen. Providence and Hiawatha St. stairways were damaged by ice last winter. This is a danger to the community.

Chair Moran invited the community to send additional comments via email to the Board of Selectmen.

6. Discussion on Menauhant Road/Beach Stabilization Project

Mr. McConarty reviewed map of the area and provided history of the Old Menhant Road. There are remnants of the old road, cement foundation, and projectiles sticking up from the foundation. Town Meeting approved a project to replace the bridge, looking at 90 foot span to increase the ebb and flow of the pond. To do this, design plans are about complete. The coastal consultant was asked to do study and report of this area to see what will occur in the future. Bridge lifespan about 50-60 year lifespan, if roadway will not be there in 50 years, not looking to put the bridge up. Consultant did a study, made a presentation to the Board of Selectmen last Monday night. The bridge is ready to go, just looking at the roadway. Next step is to discuss what to do with the roadway, then move forward with doing the bridge and road at the same time.

Mr. Patterson said the consultant suggested hard groins to capture sediment motion that will go to the Conservation Commission. How to get consensus about how to move forward.

Mr. McConarty noted when presented, it is mixture of some groins, remove those and plan was to build 2 additional groins and do nourishment on the beach.

Mr. McCaffrey read the report, discussed it, and recognized the road and ongoing erosion. There are a lot of other things happening in this area also need to look at what will be done in these other areas. Sea Level rise and coastal storms are not addressed. Need to begin assessing what else needs to be done in this area.

Ms. Freitag noted that in 2003 and 2010, the Coastal Resources Working group provided studies of Buzzards Bay and the Southcoast, they are developing suggestions and advice that is adaptive and has some piecemeal steps. This will be discussed at their next meeting.

Public Comment:

Barbara Schneider, Precinct 4, has been using Menhaunt beach for years, she hopes what has happened to the beach will be addressed as soon as possible. In 2007 the Town opportunity to purchased the West part of the beach, with the promise that this would be accessible to the public and not something the Town bought to remain a private beach for individuals living in the area. The vision was to have 2 handicap parking spaces and a place for drop off because it is not easy to get to from the parking lot to the beach. In the last 2 years, the old bridge exposure under has become so drastic, one cannot walk onto the beach because it is a 2 ft drop, dangerous, and fenced in. No one has maintained the path off Foster Road to get in there. She hopes this is taken into consideration quickly.

Mike last name unknown, suggested being more proactive and involved with other towns in the area and go to the state with political members. There may be problems with groins due to regulations. Need to see off shore mining, this will be something needed to be done for beach nourishment. There needs to be a change in thinking in state and federal regulatory boards.

Chair Moran noted that there will be an update at Monday's meeting.

7. Other Topics

Mr. Jones noted plans for new projects, either make regulations that new construction needs to have it or a financial incentive from denitrification system.

Ms. English Braga commented that the next step in sewerage is the need to look at the window of opportunity and make sure when looking at all the issues, start to prioritize with public outreach to see what is possible, what will happen in the time period, so we can say to people not to invest in something.

Mr. Jones noted need to be open to small treatment plants and denitrification may be better than sewerage.

Virginia Valiela said that the next Water Quality Management Meeting is this Thursday and the master schedule to begin laying out what needs to be done in what year is on the agenda. There is a study being done that shows sewers are competitive with IA septic systems.

Mr. Patterson hopes the CRAC will remember trunk river sewer pipe going through Oyster Pond, combine that with sewerage Oyster Pond and that could help solve problems in that area.

Ms. Harlow-Hawkes noted there is only so much capacity for sewerage in Falmouth.

8. Adjourn

Mr. Jones motion to adjourn the Board of Selectmen meeting. Second Mr. Patterson. Vote: Yes-5. No-0.

Other boards unanimously voted to adjourn.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary