

The Coastal Resiliency Action Committee  
**MEETING MINUTES - TUESDAY, JULY 14, 2020, 4:00 P.M.**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, **the July 14, 2020 public meeting of the Coastal Resiliency Action Committee shall be physically closed to the public to avoid group congregation.**

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Coastal Resiliency Action Committee utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
  - a. Zoom Login instructions:
    - i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/CoastalResiliency>
    - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
3. Additionally public comments may be sent in advance of the meeting to [concom@falmouthma.gov](mailto:concom@falmouthma.gov) at **least 5 hours prior** to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.

Present: Charles McCaffrey, Chair  
Melissa Freitag, Vice-Chair  
Jamie Mathews  
Andrew Ashton  
Paul Dreyer  
Jennifer Lincoln, Conservation Commission Administrator

Absent: Ed Schmitt

Mr. McCaffrey opened the meeting at 4:00 p.m.

**Status of Surf Drive Study**

Mr. McCaffrey: We will be taking roll call votes on all decisions. This is basically an update on the Surf Drive study.

Ms. Freitag: Is there an audience?

Ms. Lincoln: No.

Mr. McCaffrey: There was an item in the Enterprise re the Surf Drive study that was fairly accurate. Did you all see it?

Ms. Lincoln: Yes. The Surf Drive study will be extended beyond the lifetime of this Committee so we have to have useful information from the study for the final report.

Mr. Dreyer: Is the report due at the end of October?

Mr. McCaffrey: I discussed this with Megan English Braga (Chair, Select Board) and the report is due at the last Select Board meeting of October. We are expecting a report from Woods Hole Group (WHG) that will contain substantial information.

Ms. Lincoln: The document they are submitting has hybrid ideas for the area and how we can go about public outreach for it.

Mr. McCaffrey: We may not be part of the Committee then.

Ms. Lincoln: I'm looking for an email from WHG.

Mr. McCaffrey: About the scope of the meeting?

Ms. Lincoln: Did you get it?

Mr. McCaffrey: Talking about concepts?

Ms. Lincoln: Yes.

Mr. Andrews: Should we consider that Elise LeDuc (WHG) attend our next meeting?

Mr. Dreyer: We need to get information from Woods Hole Group so we can work with the Town of Falmouth and prepare the public.

Mr. McCaffrey: We'll talk about that later. The contract extension and expansion includes public outreach. We won't be able to do the public outreach in that time. Will it include information on the 13 neighborhoods we designated? Has the extended contract been signed?

Ms. Lincoln: (audio problem) The contract is before Julian Suso. The neighborhood risk assessment will be paid by (audio problem)? Ms. Lincoln read the email from WHG. All contracts will be extended until 2021.

Mr. McCaffrey: Will the substance of the report be available for our final report?

Ms. Lincoln: I don't know what will happen.

Ms. Freitag: Three contracts are being re-written and one, the Vulnerability Assessment is being amended. To do what? The 13 communities? We can't have public workshops, but will they give us the amended information? Or did they take out the public part and give us the information?

Mr. McCaffrey: The contract is on Julian Suso's desk to be signed. It will be relevant to that. I spoke to Elise LeDuc about a similar national study similar to the State's and WHG's.

Mr. Dreyer: I saw that interesting article but I couldn't download it.

Mr. McCaffrey: It was interesting. There may be a lot more property at risk than on the FEMA flood maps. How many properties are in the 1% flood risk fewer? I sent Elise an email with my theories about why it's different. Any comments on the Surf Drive survey or the neighborhood's risk assessment?

Ms. Freitag: Isn't it a little redundant over the Vulnerability Assessment?

Mr. McCaffrey: It's different. There is more data on private property and the level of risks with maps. That's why it's only costing \$6,000.

Ms. Freitag: We should combine it. Bring it all to the neighborhoods.

Mr. McCaffrey: We will have the information but need it to draft our report.

Ms. Freitag: What is in the Vulnerability Assessment contract?

Mr. McCaffrey: No public workshops.

Ms. Freitag: Should we ask for a refund?

Ms. Lincoln: No. There are no public workshops because of Covid 19. There will be a hybrid model. They took task two out. Going forward they will have the ability to hold public outreach.

Ms. Freitag: There were two tasks: get the information and then present it to the public.

Ms. Lincoln: The other part was never done.

### **Report Outline and ongoing discussions**

Mr. McCaffrey: I'd like the members to go through the draft and I'll give some assignments to flesh it out.

Mr. Mathews: Will this be a live presentation or written one?

Mr. McCaffrey: I will give a summary presentation to the Select Board at their last meeting in October.

Mr. Mathews: Will the introduction include the original tasks?

Mr. McCaffrey: Yes. In section 2 on background information – Andrew might be able to expand on 2A – natural forces and their effect on us.

Mr. Ashton: Okay.

Mr. McCaffrey: Not a full narrative.

Mr. Ashton: Priorities and identifying what is new.

Mr. McCaffrey: This is the report the Select Board has asked for – an introduction making clear that we are making recommendations re sea level rise and (audio problem). #2B involves natural resources at risk in the Town. Melissa can expand on that.

Ms. Freitag: Okay. I will need a lot of data from the reports.

Mr. Ashton: 2B has a better understanding about sediment than 2A and the resources of those things in the Town.

Ms. Freitag: Should we take the political side not the scientific proponent?

Mr. McCaffrey: This is our first crack at writing a set of policies. It's a revision to the Comprehensive Plan. We should draft something that's within the language that already exists.

In the next section there is a half dozen ideas for local laws. We should look at each one individually and see how we can expand on them. We need to develop restrictions re flooding and storms. WHG talks about parcels subject to daily flooding. I'm used to writing local laws. I will expand on ? (audio problem).

Ms. Freitag: We'll have to come up with some kind of ideas.

Mr. McCaffrey: We can let them know if they are good ideas or not.

Ms. Freitag: Have you talked to the Town Planner or Town Counsel?

Mr. McCaffrey: I talked to Planning about it. I will be making a presentation to the Select Board and the Charter Review Committee. All actions will be discussed re land use and the risks of climate change. We can make a suggestion on how it would work procedurally.

Ms. Freitag: Any feedback from the State on this?

Mr. McCaffrey: I talked with Steve McKenna about the legal aspect of getting anyone to think about property ownership when there has been complete inundation. There was a guy at CZM who was well versed in this but he retired.

Mr. Ashton: John Duff?

Mr. McCaffrey: Yes.

Mr. Ashton: I can look into that. I don't think we were supposed to suggest actual laws.

Mr. McCaffrey: Right. We are supposed to mitigate for it.

Ms. Lincoln: Correct. Propose mitigation for any changes. Sometimes it has impact on other resources.

Mr. McCaffrey: They will have to post a bond for the removal of a structure at some point in time. There is a section of the Zoning Laws that states the Select Board has the authority to authorize this but how does that take into account sea level rise? Would the Select Board evaluate a project with data from the Vulnerability Assessment? Another possibility is allowing special tax districts.

Mr. Ashton: Is that like an LID?

Mr. McCaffrey: I don't know.

Mr. Ashton: I'm not sure that is allowed in MA.

Ms. Lincoln: There is a model out there re storm water districts.

Ms. Freitag: They have it for houses on the water. Summer residents pay more tax.

Mr. McCaffrey: I will talk to Joanne Miramoto about that. (audio problem)

Ms. Freitag: I added a bullet point that is not included here.

Mr. McCaffrey: We are moving beyond the flood plain regulations. (audio problem)

Ms. Freitag: That's an important point.

Mr. McCaffrey: Yes. Numbers 6, 7, and 8 are research needs. Number 1 is sediment – Andrew will expand on that. How land forms respond to gradual sea level rise? How to anticipate it? We may see that through the Surf Drive study – the assessment of future flooding.

Mr. Ashton: I wonder how much information on that will be in the Surf Drive study.

Mr. McCaffrey: We have recession rates from the State. We could factor that in.

Mr. Ashton: That's basically what USGS does – taking data and making a model from it.

Mr. McCaffrey: What you predict to happen is enough.

Ms. Freitag: In my notes from the 24<sup>th</sup> there is an extra bullet – development rights transfer.

Mr. McCaffrey: That should be included in legal options.

Ms. Freitag: We should study more in that area. We should know what they can do.

Mr. McCaffrey: If an applicant can't develop a property for environmental reasons they can transfer the development rights to another parcel. They could sell to a bank. Research isn't needed if it's because of sea level rise.

Ms. Freitag: How do we deal with a State law that is antithetical to what we want to do?

Mr. McCaffrey: By grandfathering for sea level rise. The State has an erosion task force that hasn't considered that.

Ms. Lincoln: I've been aware of that subcommittee for 20 years.

Mr. McCaffrey: If the Town has to be the guinea pig and ask the State for money to research something like road access – at what point does it not to exist? How long do we have to maintain a road? The Select Board has to understand these issues.

Mr. Ashton: The science or the legal issues?

Mr. McCaffrey: The legal issues.

Mr. Dreyer: There is a professor at Harvard who also works for the World Bank and knows about property and how it's affected by sea level rise. We should look at his writings.

Ms. Lincoln: Are you suggesting looking at laws and regulations in the presentation?

Mr. McCaffrey: We should put them up front in the presentation.

Ms. Lincoln: Give an example - it will be easier for them to digest.

Mr. McCaffrey (audio problem)

Ms. Lincoln: Are you saying that a permit to build would be good for 30 years and then the house has to come down?

Mr. McCaffrey: Only if it's under water.

Ms. Lincoln: You need to give the Select Board something they can pass at Town Meeting.

Ms. Freitag: Infringing on property rights won't do it.

Mr. McCaffrey: I have written tons of waterfront regulations. We can give them the list from the Vulnerability Assessment to incorporate over time into the capital timeline.

Ms. Lincoln: One issue that came from the Coastal Resiliency Working Group (CRWG) was a recommendation that certain Town Board have tasks. The Conservation Commission made one report in 2010. They gave us the responsibility for (audio problem).

Mr. McCaffrey: The Coastal Pond Management Committee never created a Subcommittee for this. It just died out.

Ms. Freitag: Since the contract for the Surf Drive study is extended through 2021, will they extend us through then?

Ms. Lincoln: The contract from MVP for the Surf Drive study is extended until 2021, but the study won't be completed before then. We have to get as much information as possible out of it. It can always be amended. They will have to continue this group in some form to shepherd the study.

Mr. Mathews: This Committee has to go on in some form or another. Perhaps we are the Coastal Resiliency Advisory Committee and the next one is the Action Committee. This definitely has to keep going.

Mr. McCaffrey: The last section of the draft is the project and moving it up.

Ms. Freitag: Is it too late to put CRAC in the Charter?

Mr. McCaffrey: We are taking committees out of the Charter. (to Mr. Dreyer) I know the Planning Board has been looking at development rights. Would you take this to the Committee?

Mr. Dreyer: That has been put on the back burner. Tom Bot has a lot on his plate. He hasn't the time to discuss long term issues.

Mr. McCaffrey: Will you look at that area?

Mr. Dreyer: Yes.

Mr. McCaffrey to Mr. Mathews: Will you look at the education part?

Mr. Mathews: Yes.

Mr. McCaffrey: I recommend that we include brief descriptions of the Vulnerability Assessment and the Surf Drive study.

Ms. Freitag to Mr. Mathews: Also on the February 24<sup>th</sup> notes – we should be urging teens and GenZ to help our cause.

## **VOTE MINUTES**

3/10/2020

Mr. Mathews: Move to adopt the minutes as written.

Mr. Dreyer: Second.

Mr. McCaffrey: Mathews, aye; Ashton, aye; Dreyer, aye; McCaffrey, aye. Freitag abstained – not at meeting. Unanimous, so moved.

6/23/2020

Mr. Mathews: Move to adopt the minutes as written.

Ms. Freitag: I have an amendment.

Mr. Mathews: Move to adopt the minutes as corrected.

Ms. Freitag: Second.

Mr. McCaffrey: Mathews, aye; Ashton, aye; Dreyer, aye; Freitag, aye; McCaffrey, aye.

Unanimous, so moved.

Mr. Dreyer: Move to adjourn.

Mr. Ashton: Second.

Mr. McCaffrey: Mathews, aye; Ashton, aye; Dreyer, aye; Freitag, aye; McCaffrey, aye.

Unanimous, so moved.

The meeting adjourned at 5:23 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary