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## **Minutes of the Commission Meeting Held on November 20, 2014 At the Katharine Cornell Theater Spring Street, Tisbury, MA 02568**

### **IN ATTENDANCE**

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Commissioners: (P= Present; A= Appointed; E= Elected)

P Tripp Barnes (E-Tisbury)	- Leonard Jason (A-County)
P John Breckenridge (E-Oak Bluffs)	P James Joyce (A-Edgartown)
P Christina Brown (E-Edgartown)	P Joan Malkin (A-Chilmark)
- Harold Chapdelaine (A-Tisbury)	- W. Karl McLaurin (A-Governor)
- Madeline Fisher (E-Edgartown)	- Katherine Newman (A-Aquinnah)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
P Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A- Oak Bluffs)	P James Vercruysse (A-Aquinnah)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing), Priscilla Leclerc (Transportation Planner), Jo-Ann Taylor (Coastal Planner), Sheri Caseau (Water Resource Planner), Christine Seidel (GIS Specialist).

There were about eighty people in attendance.

**Chairman Fred Hancock** called the meeting to order at 5:30 p.m.

### **1. SMART WASTEWATER MANAGEMENT**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, J. Vercruysse.

**Jon Snyder**, Chairman of the Tisbury Board of Selectmen, welcomed the attendees noting that wastewater management is a critical issue on the Island.

**Fred Hancock**, MVC Chairman, said wastewater management is an important issue that the Commission is concerned about and introduced Paul Niedzwiecki the Executive Director of the Cape Cod Commission.

#### **1.1 Cape Cod Commission Executive Director's Presentation**

**Paul Niedzwiecki** presented the Water Quality Planning Process being carried out by the Cape Cod Commission. He noted that the two regional planning authorities in the state with regulatory authority are the MVC and the Cape Cod Commission.

Nitrogen-affected areas saw a 7% drop in property values for every 1% drop in nitrogen. When the value of more expensive properties declines, it shifts the tax burden onto the rest of the population.

- The planning effort included the development of tools to facilitate the discussion.
- On August 20, 2014 a draft version of the Water Quality Plan report was put out for public comments which are due by November 21, 2014. It has 218 pages and 8 chapters.
- One chapter looks at available technologies, and includes a technology matrix that was developed showing every possible solution to remove nitrogen, how much nitrogen would be removed, the cost per pound for nitrogen removal, and what strategies could make the solution successful. Some technologies are not currently permissible, to protect consumers. The technology matrix now feeds the process. The performance range for a lot of the alternatives is very wide.
- Density drives the affordability of various approaches to wastewater management. Generally, when houses are less than 150' apart, traditional sewerage is the most cost effective approach.
- A key question is whether some of the non-traditional strategies would be effective in less dense areas. These non-traditional approaches include eco-toilets, innovative alternative septic systems, permeable reactive barriers, and oyster and shellfish farming. Some of these technologies are rising to the top, and are ready to be piloted.
- The study looked at technologies by setting up two teams to look at 57 watersheds, one using collection systems and one using other systems. The first looked at a traditional approach using sewers and wastewater treatment plants. The second looked at non-traditional methods. It will be up to each community to define the success of the strategies with respect to reliability of performance, cost, and social acceptance.
- One chapter looks at regulations. The DEP is under a March 15, 2015 deadline to produce regulations for water performance and that is pushing the type of regulatory reform that needs to happen. The Conservation Law Foundation had launched a lawsuit to require addressing water quality issues on Cape Cod: the case was settled last Monday.
- The CCC is looking at changing its DRI process. They now have regulatory review of capital facilities of regional impact. They are looking at setting up a process for plans to be developed with municipalities, and then the CCC would sign off and not require further review. This regulatory change could make huge differences.
- The growth management chapter of the Plan talks about some of the potential problems and clearly addresses the problem of sprawl. It looks at discreet areas where more density is probably a good thing. As an example, there is a 55 acre parcel in Sandwich that is surrounded on three sides by residential. If the town develops the 55 acres, it will stimulate the commercial and residential tax base and bring wastewater management.
- The costs and financing chapter look at how to be smarter about asking for revenue that will help to solve the issue and be affordable. It discusses the possibility of 0% loans, available for 7 years, and with 25% principal forgiveness in sensitive watersheds.
- The process for being successful with wastewater management includes the collection of information that is housed centrally, is available to the public, and a monitoring program is needed to monitor performance. Barnstable County is lucky as they have the ability to fund the collection of data.



- They would be happy to do a workshop about tools on the Vineyard.
- The Cape can help the Vineyard by piloting innovative alternative technologies, and identifying sources of funding for non-traditional techniques.
- Regulatory reforms are moving forward in Falmouth and they have a target wastewater plan.
- Accepting the 208 Plan as a background will assist in bringing projects forward to Town Meeting that are more affordable and more in reach and therefore more likely to be approved.
- The 208 Plan is not a substitute for a Comprehensive Wastewater Management Plan (CWMP). It doesn't have that level of detail. Towns will still need to hire engineers to prepare CWMPs.
- They are looking at the possibility of targeted Wastewater Management Plans dealing with a single watershed as a way to move forward, without requiring a Comprehensive Wastewater Management Plan for the whole municipality.
- Martha's Vineyard will be able to benefit from the framework the Cape Cod Commission has set up.

Question: Are there any other communities in the world that have been faced with wastewater management challenges and have been successful with wastewater plans?

- In the United States it has been mainly a traditional approach.
- Europe looks at wastewater differently and the CCC tried to incorporate that into the 208 Plan, but the strategies need to be proven.

Question: Does he have any thoughts about advocacy for better regulations, such as a nitrogen component to a Title 5 system approval?

- The Clean Water Act standard is for swimmable and fishable waters.
- Enforcement has always been difficult. There is a conflict between federal and state enforcement. The 208 Plan has become a way to make enforcement issues realistic.
- In shared watersheds, towns are asked to resolve the percentage their town contributes to that watershed. The Cape Cod Commission tried to develop collaboration in and among towns with shared watersheds.
- Towns will be need to voluntarily set up wastewater management agencies, or the DEP could require establishment of Water Pollution Abatement Districts, which could be more costly and lead to more difficult enforcement issues.

Question: What is the cost to resolve the issues?

- The initial estimate for the cost of compliance is \$6 to \$8 billion to fix the whole problem Cape wide, removing enough nitrogen to meet water quality standards.
- That cost will be spread over two generations and hopefully the cost can be brought down over time.
- We need new ways to deal with the issues that take into consideration a coastal community that is also a seasonal community.
- We need to look at remediation efforts at the pond level. Were the problem to be solved tomorrow, what would the impact be on the ponds in the next ten years?
- Estuaries and embayments are smaller on the Cape and the Islands than in Chesapeake Bay.

the opposite direction and he is hopeful the DEP will become more embracing of these new technologies.

Question: The Selectmen have to accept the responsibility but who does the work in our small towns?

- The Department of Public Works can be a big contributor.
- The Selectmen have to appropriate the monies to hire engineering firms.
- There has to be a game plan.
- Hopefully the Cape Cod Commission work will help the Vineyard.

**Mark London** added the following.

- The MVC has been communicating with the Cape Cod Commission on the issue of wastewater management and water quality in coastal ponds for many years.
- The land use analysis and water quality planning for the MEP process is done by the MVC. Martha's Vineyard is not quite as far advanced as Cape Cod in getting final MEP reports from the state.
- For several watersheds where we have MEP results, town committees are working on identifying possible solutions, and there is a lot of interest on Martha's Vineyard in water quality issues. The challenge, in the next five years, will be moving from analysis and strategizing to implementation.
- A lot of what the Cape Cod Commission has done should be very beneficial for the Vineyard. Since much of Martha's Vineyard has too low a density for sewerage to be economically viable, non-traditional methods will be especially helpful for Martha's Vineyard.

**Paul Niedzwiecki** concluded by noting that transferring the knowledge from the Cape Cod Commission to the MVC is not difficult and can happen quickly. He also noted that there has been a steady decline of atmospheric nitrogen over the last ten years and the Cape Cod Commission is studying that as well.

**Fred Hancock**, Chairman recessed the meeting at 6:55 p.m. and reconvened at 7:00 p.m.

**Trip Barnes** excused himself from the meeting.

## **2. MINUTES**

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, J. Vercruysse.

**Christina Brown moved and it was duly seconded to approve the minutes of November 6, 2014 as written, correcting the typo on line 80 for the word demolition. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.**

## **3. NEW BUSINESS**

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, J. Vercruysse.

### **3.1 Scheduling**



- **Paul Foley** said the correct plans will be entered for section 2.3 The Plan.
- **Christina Brown** noted the date needs to be corrected on line 86 to 2014.
- **John Breckenridge** noted the date needs to be corrected to 2011 on line 214 and to 2014 on line 216.
- **Joan Malkin** said to add the language "of its choice" to the end of line 285.
- **Fred Hancock** said under section 4 Affordable Housing, section 4.4 and section 4.5 are really referring to section 4.3 so they should be a subheading under section 4.3 and then the balance of section 4 should be renumbered.
- **Joan Malkin** and **Linda Sibley** noted grammatical corrections on line 317 "condition" should be "conditions" and "has" should be "have".

***Linda Sibley moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Malkin, L. Sibley, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

**Doug Sederholm** rejoined the meeting.

## **5. OCEAN MANAGEMENT PLAN – REVISED MVC COMMENT LETTER**

Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, D. Sederholm, L. Sibley, J. Vercruysse.

### **5.1 Overview of Changes to the Draft Letter**

**Fred Hancock**, Chairman, noted that at the last MVC meeting, the Commission had a discussion on the Ocean Management Plan and sand mining. There have been some public comments and the changes in the draft letter reflect those comments.

**Jo-Ann Taylor** presented the following.

- Maps showing sand mining areas were distributed and the graphics indicate the town boundaries.
- The Gosnold Board of Selectmen voted to request removal of the Gosnold Wind Energy Area as a commercial wind energy area.
- Chilmark is very opposed to sand mining and is concerned for the benthic resources in Vineyard Sound.
- Oak Bluffs has a dire need for sand but is rethinking and is revising their letter which they are still crafting. Oak Bluffs seemed to agree that Vineyard Sound is not an appropriate place for the sand mining.
- The draft MVC letter requests that the Sea Duck Core Habitat SSU be designated as an area to avoid for sand mining with a time-of-year restriction covering their winter residence.
- In the draft letter, possible sites for a pilot project for sand mining have been noted.
- Whelk fishery areas are being identified with local fishermen. The study indicates that virtually all of the areas identified for potential sand mining in Vineyard Sound and a considerable portion of the areas in Nantucket Sound are important areas for whelk, and these areas cannot be protected with time-of-year restrictions because the whelk burrow down in place, remaining in the top three feet of the sea bottom for the winter (unlike

- **Joan Malkin** said the MVC needs to remember this is only for the potential of a pilot project. It may not be persuasive but not harmful either.
- **James Vercruysse** said it seems conflicting to say we shouldn't do it but yet there is a need.
- **Doug Sederholm** suggested removing the word "needs".
- **Linda Sibley** asked for clarification of the area south on Monomoy that is not fished. The statement is contradictory and it looks like the MVC is saying we don't want it done in our waters at all.
- **Mark London** said the statement had been drafted before the map showing town limits was prepared. It doesn't seem valid anymore as our recommendation is to preclude pilot projects in Dukes County.
- **Joan Malkin** felt the statement is ambiguous.

**Voice vote. In favor: 8. Opposed: 0. Abstentions: 1. The motion passed.**

**Bill Veno** noted that the waters south of Monomoy are not part of Dukes County. **Fred Hancock** said the MVC is just commenting on the overall plan, including areas outside of Dukes County.

**Doug Sederholm moved and it was duly seconded to approve the letter with the corrections.**

- **Joan Malkin** asked if Warren Doty's letter regarding whelk will be addressed as part of the attachments.
- **Mark London** said that two documents are being planned; an official letter from the MVC and Jo-Ann Taylor is submitting some technical information about the fisheries and with that the information about the whelk can be attached to the latter if he is not submitting it directly.

**Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.**

The meeting was adjourned at 7:55 p.m.

#### DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 6, 2014
- Decision of the Martha's Vineyard Commission Draft, DRI 648 – Mariner's Landing Mixed Use
- Ocean Management Plan Update (September 2014 Draft), Martha's Vineyard Commission Comments – Draft, Dated November 20, 2014

Chairman

Date

1-22-15

Clerk-Treasurer

Date

1/22/15