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CAPE COD
COMMISSION

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Minutes

Meeting Cape Cod Commission Harborview Conference Room 3195 Main Street, Barnstable, MA 02630

November 15, 2018

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Fred Chirigotis	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	Absent
Harwich	Jacqueline Etsten	✓ (left at 4:07 p.m.)
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	Absent
Governor's Appointee	Michael Maxim	✓

The Cape Cod Commission Meeting was called to order on Thursday, November 15, 2018 at 3:00 p.m. in the Harborview Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

- **Approval of Minutes:** The minutes of the October 4, 2018 Cape Cod Commission meeting were approved with 12 votes in favor and one abstention (Kevin Grunwald).
- **Public Hearing: Bourne Integrated Solid Waste Management Facility Phase 6:** Following presentations, public testimony and discussion, the Commission deliberated on the Development of Regional Impact (DRI) project proposed by the Town of Bourne for Phase 6 of the Bourne Integrated Solid Waste Management Facility located at 201 MacArthur Boulevard, Bourne, MA. Phase 6 involves expansion of landfill operations at the Facility and incorporates landfill lining, leachate collection and landfill gas management infrastructure. Following deliberation, the Commission voted unanimously in favor of closing the public hearing. Following the close of the public hearing, the Commission voted with 11 votes in favor and one vote opposed (Cheryl Andrews) to adopt the DRI written decision for the project and approve the project subject to the conditions in the DRI decision.

■ MINUTES

The minutes of the October 4, 2018 Cape Cod Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Jack McCormack seconded the motion and a vote called on the motion passed with 12 votes in favor and one abstention (Kevin Grunwald).

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Kristy Senatori provided the following report:

- The furniture and A/V equipment for the East Wing conference room has been selected and will be ordered soon; the roof is expected to be completed by the end of the month; and the room may be ready for use in January.
- The comment period on the 2018 Draft Regional Policy Plan (RPP) closes on Monday, November 19; Commission staff continue to meet with towns and organizations on the Draft RPP and in the last two weeks staff presented the Draft RPP to The Cape and Islands Energy Committee, Association to Preserve Cape Cod, Cape Cod Chamber of Commerce, Planning Boards in the towns of Yarmouth and Orleans, Cape Light Compact and the Community Development Partnership.
- Kick off meetings were held on November 9 with the towns of Eastham and Barnstable for the Municipal Vulnerability Preparedness program.
- The first Community Resiliency by Design meeting for the Town of Barnstable will be held on Monday, December 10 at 5:30 p.m. at the Barnstable Town Hall. This project will look at the East Hyannis Planning Area.

■ BOURNE INTEGRATED SOLID WASTE MANAGEMENT FACILITY PHASE 6

Chair Harold Mitchell opened the public hearing at 3:07 p.m. He said today's public hearing is on the Development of Regional Impact (DRI) review for Phase 6 of the Bourne Integrated Solid Waste Management Facility located at 201 MacArthur Boulevard in Bourne, MA which is proposed by the Town of Bourne Department of Integrated Solid Waste Management. He said Phase 6 involves the proposed expansion of existing landfill operations onto a previously developed portion of the landfill for continued waste handling and storage capacity and incorporates landfill lining, leachate collection and landfill gas management infrastructure.

The project DRI subcommittee reviewed the minutes of the October 29, 2018 continued public hearing. Richard Conron moved to approve the minutes, Jack McCormack seconded the motion and a vote called on the motion passed with a unanimous vote by the subcommittee.

Tom Guerino, Bourne Town Administrator, read into the record a letter from the Bourne Board of Selectmen expressing their strong support for the approval of the Phase 6 landfill expansion at the Department of Integrated Solid Waste Management. Mr. Guerino thanked Commission staff and the subcommittee for hearing the project and said the facility site continues to be an important local and regional asset; it's a very busy, well-run, well-managed facility and the town has contributed resources over time to maintain the facility as an asset.

Dan Barrett, General Manager of the Department of Integrated Solid Waste Management (ISWM), thanked Commission staff in helping them move through the process. With the use of PowerPoint slides he provided an overview of current operations at the facility and said it's a fully integrated solid waste management facility and is an important part of fiscal management for Bourne. He said the facility was having issues both financially and operationally due to the recession; they expanded their stakeholders, had meetings and came away with a consensus plan for leadership. He said the consensus plan includes a potential site master plan maximizing full use of the landfill up to 2035, maximizing all of the site for potential solid waste handling operations beyond the life of the landfill, researching innovative technologies to provide benefits to Cape Cod over the long-term and to ensure sound financial management including closure and post-closure maintenance. He discussed major improvements that have been made since 1998 and their fulfilled vision from 1998. He described current benefits as being a host site for new technologies and transfer options well beyond the life of the landfill, emergency capacity for systems disruptions, provides a check on market prices, and financial stability to develop the site and provide benefits to the residents of Bourne and the region including long-term disposal options. Mr. Barrett showed photographs of the recycling center, the transfer station, the single-stream recycling building and composting station and photographs of the Bourne landfill dating back to 1959, 1972, 1996 and the ISWM Facility in 2018.

Phil Goddard, Manager of Facility Compliance and Technology Development at the Bourne ISWM Facility, provided an overview of the current Development of Regional Impact (DRI) application for the Phase 6 expansion and said part of the application memorializes what has already been done. He said the project has gone through the Massachusetts Environmental Policy Act (MEPA) process and he then provided a history on the project and said the site has had extensive review over a 20-year period. He discussed Phase 6 and said it includes a 6.69-acre expansion of landfill operations on existing developed areas of the site with an estimated 920,000 cubic yards of capacity estimated to extend the life of the site into the early 2020s. He said the design accommodates further site development southward into potential phases 7 and 8 which would extend the life of the landfill out to 2034. Mr. Goddard discussed options and what is preferred for Phase 6, the construction schedule and current challenges. He said the project is consistent with the Commission's Regional Policy Plan (RPP), it's consistent with Bourne's Local Comprehensive Plan (LCP) which is certified by the Commission and is being updated by the town as it is 10 years old and the project meets the goals of the Cape Cod Commission Act.

Michele White, Regulatory Officer at the Commission, said the DRI project subcommittee held a hearing on October 29, 2018 and said the subcommittee voted to recommend approval of the project and adoption of the draft written decision. She noted that the Commission received a letter in opposition of the project from the Conservation Law Foundation (CLF) and said CLF advocates zero waste initiatives. Ms. White said the Commission and the Town of Bourne do support zero waste initiatives. She said in the 1990s the town underwent MEPA and Cape Cod Commission review and Phase 6 is the last phase as discussed in 1998. She said the project meets a regional need, it is the last operating facility on Cape Cod, it provides infrastructure for regional demand and there are currently no new ISWM facilities being reviewed by the Department of Environmental Protection (DEP). The DEP authorized a permit to construct Phase 6 in July, the facility operates as an Enterprise Fund where the ISWM Department receives revenue from the various operations at the site and that fund pays for all operations, debt service, insurance and closure and post-closure costs. She said Phase 6 provides an extension of existing operations, Phases 7 and 8 will require MEPA and Cape Cod Commission review and Phase 6 is designed to support that further development. She said there are no District of Critical Planning Concern (DCPC) implementing regulations applicable to the project and she said probable benefits of the project are that it provides for predictable waste disposal and management not only for Cape Cod but to Massachusetts as a region; it provides an in-state option for managing solid waste that decreases potential costs and logistical challenges from exporting waste to other states; it supports local municipalities' waste management needs; and it provides disposal capacity in the event of an emergency.

Cheryl Andrews inquired about the letter from the Conservation Law Foundation and Michele White noted that the letter was in the project materials that were given to Commission members.

Cheryl Andrews thanked Mr. Goddard for his presentation. She asked why the landfill, given its limitations in terms of capacity, continues to accept waste that could go to SEMASS and said the landfill could keep things that cannot go to SEMASS. Dan Barrett said there are potentials for them to do that. He said an interesting part of the SEMASS agreement is that SEMASS agreed to take waste for 20 years after the landfill closed. He said the town of Falmouth was looking for an opportunity to go somewhere and Bourne was able to fulfill that. He said they could not come to a financially agreeable position with Covanta so they went to Bourne. He said they are working on the possibility of

moving that over to Covanta should that be beneficial. He said the reason why is because there is a contractual obligation that is financially driven. Ms. Andrews asked how value is put on that remaining capacity. Mr. Barrett said they looked at the Covanta contract and said "air space" is key. He said the amount of trash that they take is not substantial to air space and their ability to work with the surrounding communities is a good thing. Ms. Andrews asked when dealing with the state for a permit, did they set any different goals for the two towns regarding recycling. Mr. Barrett said, yes, outside of the permitting process there are restrictions/regulations. He said if a town of Bourne truck comes in or a town of Falmouth truck comes in, the loads are given a spot check and a third-party engineer from the state comes out to review what is being done at the facility. He said it is regulated outside of the permitting process.

Elizabeth Taylor asked if they have seen an increase in recycling and asked if they are looking into processing options onsite. Dan Barrett said they have seen an increase in recycling. He said they are looking into processing options such as reuse of glass. He said that is moving forward and people are beginning to recycle it into crushers and they are beginning to market it for reuse. Ms. Taylor referred to a spot check being done at the facility and asked how they deal with people here for the summer bringing in a bag of trash that has everything in it. Mr. Barrett said their local recycling committee focused hard on making sure that their advertising and public relations materials were passed out in time when most of the residents were going to be there. Phil Goddard said they rolled the upgrade of carts. He said single-stream is the way industry captures the most at curb. He said they are investing heavily in the state of Massachusetts on education and recycle smart and said they are constantly doing those types of things. He said these types of systems are expensive and the new reality they are seeing is that there will be a charge for recycling at some point but still it's the right thing to do. Ms. Taylor inquired about Falmouth residents using the facility. Mr. Goddard said they are charged for what they bring to the facility. He said stickers are for property owners

Commission member Jackie Etsten left the meeting at 4:07 p.m.

Chair Harold Mitchell called for public comment from federal, state, local entities and the general public. No testimony was given.

Jack McCormack commended the Department of Integrated Solid Waste Management in the town of Bourne for doing a great job.

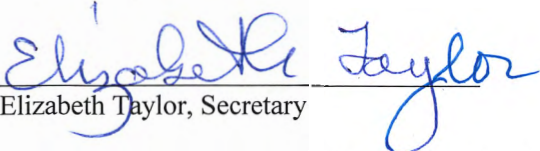
Jack McCormack moved to close the public hearing, Elizabeth Taylor seconded the motion and a vote called on the motion passed with a unanimous vote.

Jack McCormack moved to adopt the draft written decision for the project and that the Commission approve the project subject to the conditions in the decision. Roger Putnam seconded the motion and a vote called on the motion passed with 11 votes in favor and one vote opposed (Cheryl Andrews).

■ **NEW BUSINESS:** *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*
No new business was taken up.

A motion was made to adjourn at 4:10 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/ Presented at the November 15, 2018 Commission Meeting

- November 15, 2018 Cape Cod Commission Meeting Agenda.
- Draft minutes of the October 4, 2018 Cape Cod Commission meeting.
- Bourne Integrated Solid Waste Management Facility Phase 6 Draft Development of Regional Impact Decision.
- Letter in support of the project submitted into the record from the Bourne Board of Selectmen.
- PowerPoint slide presentation on the Bourne Integrated Solid Waste Management Facility Phase 6 project by the Bourne Department of Integrated Solid Waste Management.