

TOWN ADMINISTRATOR'S REPORT

JANUARY 10, 2023

1. CAPE COD COMMISSION ISSUES GUIDANCE - UNDERSTANDING MASSDEP'S PROPOSED NITROGEN REDUCTION REGULATORY CHANGES

Cape Cod communities are making strides to reduce nitrogen flow into our coastal waters, and now local leaders are reviewing a pair of proposals designed to encourage watershed-based comprehensive planning and implementation.

The Commonwealth of Massachusetts Title 5 regulations establish minimum standards for the proper siting, construction, upgrade, and maintenance of septic systems and the appropriate means for the transport and disposal of septage in order to protect public health, safety, welfare and the environment. The Massachusetts Department of Environmental Protection (MassDEP) is proposing to amend the Title 5 regulations to enhance protection of embayments and estuaries—particularly on Cape Cod, the Islands and Southeastern Massachusetts—from eutrophication caused by nitrogen pollution, primarily from wastewater. This is complemented by the proposed promulgation of new regulations to provide for a watershed permitting approach to control nitrogen and other pollutants from entering the embayments and estuaries.

The two regulatory initiatives would work in tandem to reduce nitrogen loads. MassDEP is proposing to revise the Title 5 regulations to establish natural resource area “Nitrogen Sensitive Areas” (NSAs) for watersheds adversely impacted by nitrogen. Septic systems located within designated NSAs would be required to upgrade to the best-available, nitrogen-reducing technology within 5 years of designation, unless the community in which the septic system is located obtains a Watershed Permit for the watershed or files a Notice of Intent for a Watershed Permit.

Watershed permits for holistic planning

A watershed permit establishes performance standards, authorized activities, and timeframes under an adaptive management framework to meet water quality and habitat restoration goals. The watershed permit is based on a long-term plan, such as a Comprehensive Wastewater Management Plan or a Targeted Watershed Management Plan. A watershed permit allows towns to demonstrate their commitment to reducing nitrogen load and improving overall water quality.

MassDEP is proposing to provide a voluntary 20-year permit for communities to implement long-term wastewater plans most efficiently and effectively for the entire watershed. The Area Wide Water Quality Management Plan (208 Plan) recommends the development of watershed permitting. The [Pleasant Bay Watershed Permit](#), established in 2018, provides a successful example.

A watershed permit provides flexibility for towns to design a plan consistent with the needs of the local communities within a watershed. It enables them to take a holistic, long-term, and innovative approach to reducing nitrogen loads, and provides enforcement forbearance for the length of the permit itself. Any local government is eligible to apply, and communities may apply jointly, provided they first execute an enforceable intermunicipal agreement that confirms the share of responsibility within a watershed. These watershed permit regulations align with the watershed-based approach of the 208 Plan.

Updating Title 5

Proposed changes to the Title 5 regulations, if promulgated, would automatically designate thirty Cape Cod watersheds spanning 11 different communities as a newly established category of NSAs called natural resource areas. These new natural resource area NSAs are watersheds to coastal water bodies subject to the Cape Cod 208 Plan that have an established final total maximum daily load (TMDL) for nitrogen.

Under the proposed changes, existing development and new construction must upgrade to the best available nitrogen-reducing technology within five years. Best-available technology is defined as those systems approved for general use that achieve the lowest possible nitrogen removal, or systems approved for provisional or pilot use, provided they meet the same nitrogen removal as the lowest general-use system.

Watershed permits provide opportunities

Upgrading the estimated 86,000 systems within the newly defined NSAs in a five-year time frame would be a daunting task for our community. However, this process could be halted if towns apply for watershed permits. The proposed Title 5 amendments and the accompanying watershed permit regulations are an effort to encourage towns to pursue watershed permits, implement targeted strategies, and look at more comprehensive wastewater planning.

The Cape Cod Commission is available to provide support to communities as they develop their plans and go through the watershed permitting process.

A summary of these regulatory initiatives, links to MassDEP resources, and details on the public comment period are available at <https://cccom.link/title5>.

How to Comment

MassDEP is hosting two upcoming virtual Public Hearings:

- Remote Only, January 24, 2023 at 6:00 p.m. [Register](#)
- Remote Only, January 25, 2023 at 6:00 p.m. [Register](#)

Oral comments will be received at the above public hearings, and written comments can be submitted via mail and email through January 30, 2023.

Email comments to dep.talks@mass.gov. Please put "Title 5 and Watershed Permitting" in the subject line. Mail comments to: MassDEP, Bureau of Water Resources – Division of Watershed Management, 100 Cambridge Street, suite 900, Boston, MA 02114, Attention: Title 5 & Watershed Permit.

MassDEP also intends to hold two additional information sessions:

- January 17, 2023 at 6:00 p.m. (remote)
- January 18, 2023 at 6:00 p.m. (hybrid).

More information about how to participate in these sessions will be provided on [MassDEP's website](#).

The draft regulations are published on the MassDEP website at: <https://www.mass.gov/info-details/massdep-public-hearings-comment-opportunities> and at: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#) and [314 CMR 21.00: Watershed Permit Regulations | Mass.gov](#)

Recordings of previously held information sessions and public hearings can be found here: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

2. DENNIS CENTER FOR ACTIVE LIVING BUILDING RENOVATION PROJECT UPDATE –

- Concrete-complete
- Metals- structural steel: complete, handrails, railings shop drawings forthcoming
- Wood and plastics: roof trim at 50%
- Thermal and Moisture Protection: Building wrap (Tyvek) complete, exterior insulation complete
- Doors and Windows: door frames on site, windows complete
- Fire Protection: all that remains is cutting in heads in ceiling tiles and testing. Note: the attic dry system is charged and active
- Plumbing: rough at 90% plus
- HVAC: rough at 90%, ERV's are on site and staged for installation
- Electrical rough at 80%, panel's guts on site cans being installed
- Earthwork: complete
- Site Improvements: Setucket Rd. side base coat paving complete, Courtyard ready for paver bricks
- Schedule has been increased by 2 months due to HVAC supply chain delays and unforeseen additional renovations.
- Project is within budget

3. FIRE STATION II BUILDING PROJECT UPDATE –

- Last concrete slab placement today (1-10-23) – vehicle storage area
- Metal studs to be delivered Wednesday
- Trusses for training room to be delivered Thursday
- Masons to start staging for Concrete Masonry Units Monday
- Site work continues – geotextile fabric placement under parking area
- Windows have been delivered to General Contractors Garage

4. DCAL/COA Request for support of MA Executive Office of Health and Human Services (EOHHS) Funding Opportunity for Expanded and Enhanced Caregiver Respite Services –

“EOHHS recently announced a two-year \$20,000,000 program to promote innovative Respite Services that provide relief for family or primary caregivers of individuals with chronic or other health conditions,” including cognitive impairment and early stage memory loss and dementia. Senior Centers are eligible to apply, and no match is required for the two-year funded project.

*The DCAL/COA Director, is requesting the Select Board's approval of the DCALs application for funding, in collaboration with three local human service agencies we currently work with, to deliver expanded and enhanced respite services over two years (FY24-26). Collaborators on the grant include the Cape Cod Alzheimer's Family Support Center, COAST (Councils on Aging Serving Together) and the Cape International Language Academy. These collaborators will help us engage with the Town's Diversity Equity and Inclusion (DEI) Committee to inform us of DEI needs in Dennis and help us design solutions for effective outreach and inclusion. Ultimately, the goal is to broaden the options for respite services to accommodate a growing diverse population of eastern European, Portuguese and Spanish speakers, many of whom are in the home care and service industries workforce. We will be requesting \$352,000 to support expanded and enhanced respite services for residents and visitors. **We hope the Select Board will support our grant application. There is no match required, this is straight program funding to the community.***

Since October 19, 2021, the COA has supported implementing a collaborative social service delivery model that includes hosting local human service agencies on-site for public office hours. This model allows for greater ease of access to a wide range of services for residents, patrons and visitors. Along with the DCAL, the Cape Cod Alzheimer's Family Support Center, and the Cape International Language Academy will collaborate on a Respite Innovation project proposal to expand and enhance existing respite services in Dennis and the AFSC service population. Bridging the GAP will bring each of these agencies together, already fulfilling vital roles in the community, to expand the number of caregivers we can provide respite services and support to and enhance the scope of support by leveraging AFSC's training and educational and recreational resources for workers and caregivers, and their activity center in the Hyannis Mall as a respite destination.

We would like to be on the forefront of this innovation and document our process to make it replicable for other Councils on Aging, other towns considering their own population aging challenges, and potentially find solutions to similar issues.

Several programmatic components would make up the proposed service model, outlined below -

The Alzheimer's Family Support Center

Respite and Activity Salon - Training, Service and support navigation, counseling, destination short term respite

The Golden Age Pals (GAP) Supportive Day Program at the DCAL.

The 1100 square foot suite accommodates up to 16 participants and 5 staff, socially distanced, and fully self-contained with its own bathrooms, office, dining, lounge, exercise and activity areas. An enclosed outdoor courtyard will provide secure outdoor space once phase II renovation is completed.

TRANSPORTATION

Field trips to respite destinations including the Hyannis Mall Respite Salon

PEARLS

The Program to Encourage Active and Rewarding Lives (PEARLS) is a community based early to mild depression treatment program to support and encourage caregivers at risk for isolation and depression. We will train more coaches to provide support to caregivers.

Cape International Language Academy (CILA)

Cape International Language Academy – Multilingual student interns provide interpreter and translation services, multicultural activities, language instruction and ESL.

The EOHHS funding will allow Bridging the GAP's Collaborative to expand a variety of respite care services, by combining and coordinating staffing and programming resources. The range of respite options would expand to include two-hours of free, onsite respite care while shopping at the mall, participation in DCAL's behavioral health innovation, PEARLS, expanded days of GAP program with per diem staffing from AFSC, special events to support caregivers' recreational and self-care needs. Free transportation and activities for both caregivers and their loved ones, to events provided by AFSC Respite Salon at the DCAL. These services would be offered in the GAP by AFSC one to two days per week.

Respectfully,

Elizabeth C. Sullivan, Town Administrator