



Photo: Edward F. Maroney

MAKING HISTORY – State Sen. Rob O’Leary, who teaches history at Mass. Maritime Academy when he’s not helping to make it on Beacon Hill, talks with the county commissioners Wednesday about the urgent need to address water pollution on the Cape.

Wastewater bill seeks a balance

Wanted: a law to solve one problem, not create another

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If you fix it, will they come and create more problems?

Mounting evidence of the pollution of Cape estuaries and embayments via nitrogen overloading from home septic systems prompted state Sen. Rob O’Leary to prepare a bill he hopes to file this month to get millions of dollars to help meet the region’s wastewater infrastructure needs.

Making sure that such improvements don’t trigger a development land rush is essential, the senator told the county commissioners Wednesday.

“We want to deal with this enormous problem, but we don’t want to create a situation that we begin sewerage the Cape and transform it into something quite different,” O’Leary said.

To that end, the draft of his “Act Relative to Water Pollution” includes the safeguard of so-called “checkerboard” zoning. Should the bill become law and be adopted by a town, that municipality would not be required to hook

in every property passed by a sewer pipe.

“It would be growth-neutral,” O’Leary said. “It wouldn’t become a vehicle for unfettered development.” Unlike an early version of the bill, it would provide an incentive for municipalities to develop new affordable housing. Participating communities would have to demonstrate that their zoning laws contained sufficient land use controls.

“We need appropriate growth,” O’Leary said, “and we all recognize the need for affordable housing. This allows us to build affordable housing.”

Unlike communities in the Boston area that held off on upgrading their wastewater infrastructure until they were ordered to do so by a federal judge, Cape Cod is getting out in front by creating a regional water protection collaborative that can encourage sub-regional cooperation without morphing into a Cape-wide authority. Also, some towns such as Barnstable are well advanced in designing local comprehensive wastewater facilities plans.

Under O’Leary’s legislation, such plans – approved by the state – will be required for allowing access to a portion of some \$120 million a year in wastewater funding loans made available by the federal government through Massachusetts – about 35 percent of the total funding. There would be a 10-year window of opportunity for Cape communities to qualify for the money, which O’Leary hopes could be given out interest-free and repaid over a greatly extended period, perhaps of up to 50 years.

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