



CAPE COD COMMISSION

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Minutes

Meeting of Cape Cod Commission

February 4, 2010

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

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Michael Blanton	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Lynne Pleffner	✓
Dennis	Brad Crowell	Absent
Eastham	Joy Brookshire	Absent
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Peter Monger	✓
Provincetown	Vacant	Vacant
Sandwich	Sue Pommrehn	✓
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Sheila Lyons	✓
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	✓

The meeting of the Cape Cod Commission was called to order on Thursday, February 4, 2010 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said that as of January 1, 2010 he and other Commission staff had been before eight Boards of Selectmen, two Planning Committees and several civic associations. He said that Secretary of the Interior Salazar had been on the Cape on Wednesday to review the proposed Cape Wind site and to consult with the Wampanoag Tribe. Mr. Niedzwiecki said Secretary Salazar is scheduled to make a determination on the project on March 1, 2010. Mr. Niedzwiecki said a series of CCC member training sessions have been scheduled on the Thursday of scheduled Commission meetings. He said if a Commission meeting is cancelled there would be no training session and it would be moved to the next scheduled Commission meeting date. He said the training sessions would begin on Thursday, February 18, and continue on March 18, April 15, April 29, and May 13. He said if any of the Commission meetings on those dates are cancelled, the training session for that date would be moved to the next scheduled Commission meeting and May 27 would be the date for any additional training sessions. He said the training sessions would be held in the conference room at the Commission office from 1:00–3:00 pm.

■ SANDWICH LOCAL COMPREHENSIVE PLAN RECERTIFICATION MODIFICATION

Elizabeth Taylor read the hearing notice and opened the hearing at 3:10 p.m.

Phil Dascombe, senior community design planner at the Commission, gave a brief overview of the Sandwich Local Comprehensive Plan (LCP) recertification modification. He said the Commission certified Sandwich's LCP last summer, and at that time, placed a condition on the decision which required that a narrative description be included in the LCP relative to shared resources and communications with adjacent municipalities. Mr. Dascombe said Greg Smith, Director of Planning/Community Development, had prepared a memorandum incorporating the required language and it was adopted at Town Meeting in October 2009. He said the Town had requested the Commission re-certify the amended LCP. Mr. Dascombe said the Commission's regulation sets out the framework of the basic content of an LCP and those parts of Sandwich's Plan had not changed. He said the other part of the Commission's LCP regulations dealt with the LCP's consistency with the Regional Policy Plan as well as the Plans of adjacent communities. Mr. Dascombe said the Commission's Planning Committee met in early January 2010 and reviewed the Town Meeting changes to the LCP and a draft decision. He said the Planning Committee voted unanimously to recommend that the full Commission recertify Sandwich's modified LCP. Mr. Dascombe went over the draft LCP decision and said it was the original LCP certification decision with the conditions about shared resources and contacts with adjacent municipalities removed. He said it also included the 2009 Town Meeting vote and the procedural steps that had occurred over the intervening time.

Greg Smith, Director of Planning/Community Development, said Mr. Dascombe has done a great job working with the Town. He said the Town of Sandwich is doing a lot of great things and it's an exciting time to be in the Town of Sandwich. He gave an overview of projects that Sandwich has been working on which relate to the LCP and may be on the Spring 2010 Town Meeting. He noted the projects to be a nonresidential wind turbine bylaw, creating a formal Site Plan Review, and creating a Development Agreement bylaw. He said the Town is also working on a re-write of the zoning bylaw, infrastructure improvements to Merchant Square, developing a comprehensive wastewater management plan, and an update of the Town's land use vision map. Mr. Smith said the LCP provides the impetus and legitimacy for many of these efforts to make it to and pass at Town Meeting.

Paul Niedzwiecki referred to Mr. Smith's list of activities underway in Sandwich and said they should not be underestimated. He said Sandwich's LCP is a great document and is serving to guide development in Sandwich. He said it was a pleasure to work with Mr. Smith and Town staff.

Sue Pommrehn moved to close the hearing and the record. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Sue Pommrehn moved to re-certify Sandwich's LCP as amended and approved by Town Meeting on October 26, 2009 and pursuant to the draft decision. Lynne Pleffner seconded the motion. A vote called on the motion passed with a unanimous vote.

■ **OTHER BUSINESS**

Chair John Harris said a subcommittee for the Ocean Management Planning District of Critical Planning Concern has been selected and the noted members to be Roy Richardson, Chair; Elizabeth Taylor, Vice Chair; Lynne Pleffner; Peter Graham and Roger Putnam. He said the alternates are Michael Blanton, Ernest Virgilio, Peter Monger, and Sue Pommrehn.

Mr. Harris asked Lynne Pleffner to assemble a nominating committee to select new Commission member officers. He said at the first meeting in May 2010 the nominating committee would present the nominated slate of officers to the full Commission and at the second meeting in May the full Commission would vote of the nominated slate of officers.

Elizabeth Taylor asked about the NSTAR right-of-way spraying on the Outer Cape. She asked if people were aware of sensitive areas within the right-of-way and whom should they contact.

Paul Niedzwiecki said Commission staff were aware of the situation and was working on it with the Outer Cape towns. He said the Commission's GIS department was working on a map of sensitive areas within the right-of-way and any comments or information on sensitive areas there should be sent to him. Mr. Niedzwiecki said Commission staff had met last week with the Yarmouth Planning Board and the meeting had gone very well. He said the meeting was a follow-up to work the Cecil Group had done on a part of Route 28. He said the change in the relationship with the town was in large part due to the Reset Team lead by Phil Dascombe's work. He said the Commission had received a very nice letter from the Yarmouth Planning Board thanking the Reset Team and staff. He congratulated Mr. Dascombe on his work.

Roger Putnam said the issue of herbicide application and the NSTAR right-of-way raised a greater point of why, if at all, herbicide application should be allowed anywhere within the same communities. He said why not restrict application on the whole Lower Cape.

Paul Niedzwiecki said Mr. Putnam raised a valid point. He said the Commission was responding to a request for assistance from the towns. He suggested any information learned as part of the NSTAR right-of-way situation would be distributed Cape-wide to all the towns.

John McCormack, Jr. agreed that there has been a change in the relationship between Yarmouth and the Commission. He said the work Mr. Dascombe had done on architectural design work had been instrumental in this. He said Yarmouth's Design Review Committee recently updated the town's architectural and site design standards and Mr. Dascombe had been very helpful with that. He said Yarmouth is indebted to Mr. Dascombe and the Commission.

A motion was made to adjourn at 3:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Elizabeth Taylor, Secretary