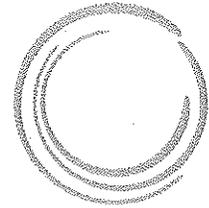


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

April 26, 2012

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	✓
Brewster	Elizabeth Taylor	✓
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Vacant	Vacant
Falmouth	Vacant	Vacant
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	✓
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Herb Olsen	Absent

The meeting of the Cape Cod Commission was called to order on Thursday, April 26, 2012 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

Executive Director Paul Niedzwiecki said the Commission's Wastewater Presentation has been profiled. He said he met with Boards of Selectmen in Harwich, Mashpee, Sandwich, and Chatham. He said next week he would be meeting with the Barnstable Town Council and the Board of Selectmen in Yarmouth. He said he would begin tours in all 15 towns on Saturdays until July 14. He said the Saturday tours would focus on a discussion regarding wastewater issues.

Chair Peter Graham asked if the presentation was available on the Commission's website.

Paul Niedzwiecki said the Commission is creating a web-based version that would be available on May 14 at the SmarterCape Summit. He said the presentation could be found at SmarterCapeSummit.com. He said many towns already see the value in the tool and he is anxious to get it ready for a few towns to use this summer.

Chair Peter Graham said the Commission is breaking new ground and it's very exciting.

■ DOWNTOWN BOURNE/VILLAGE OF BUZZARDS BAY GROWTH INCENTIVE ZONE

Chair Peter Graham noted that this is a continued hearing from April 9, 2012.

Ryan Christenberry, planner at the Commission, provided a PowerPoint slide presentation and said the purpose of a Growth Incentive Zone (GIZ) is to enhance areas of existing development that encourage a concentrated mix of residential and commercial uses served by existing infrastructure. She said development potential outside the GIZ must be reduced through land protection measures and zoning changes. She said pursuant to GIZ Regulations, Chapter G Barnstable County Ordinance 05-13, as amended, to receive approval for a proposed GIZ a town applying for GIZ designation must demonstrate consistency with the town's Commission-certified Local Comprehensive Plan (LCP), the Regional Transportation Plan (RTP) and Regional Policy Plan (RPP) goals; it must be served by existing infrastructure; it must be a contiguous area; the area of the GIZ is within a designated Economic Center on a Land Use Vision Map (LUVV); and development reductions (offsets) must be provided outside the GIZ. Ms. Christenberry said an application to designate the Buzzards Bay Downtown as a GIZ was submitted by the Town of Bourne Planning Board to the Cape Cod Commission; the Bourne Board of Selectmen voted unanimously to endorse the GIZ application on March 20, 2012; and the application was deemed complete on March 29, 2012. Ms. Christenberry then provided a procedural history for the proposed GIZ. She referred to a PowerPoint slide showing the GIZ boundaries and said the area is generally the area now known as Bourne's Downtown or the Downtown District, excluding the Downtown Neighborhood zone of the district. She said the GIZ is generally bounded by the Buzzards Bay Bypass, the approach to the Bourne Bridge, Perry Avenue, along the bank of the Cape Cod Canal, to Academy Drive, Wright Lane, across the Cohasset Narrows to Eldridge Avenue Extension and back to the Bypass. She said the Town of Bourne requested modifications to Development of Regional Impact (DRI) review thresholds for development and redevelopment within the GIZ; the town requested a cumulative cap/threshold for development and redevelopment of properties within the GIZ that may proceed without mandatory DRI review. She said the town requested a phased growth approach consistent with existing offsets and infrastructure and she explained the proposed development for Phases 1, 2, and 3. Ms. Christenberry explained the existing infrastructure relative to water resources and transportation and explained commercial, residential, and future offsets.

Jessica Rempel, regulatory officer at the Commission, provided an overview of the draft written decision. She said the proposed GIZ area came from the form based zoning code adopted in 2008 by the Town. She said the downtown district is made up of four zoning areas; the Downtown Gateway, the Downtown Core, the Downtown Waterfront and the Downtown Neighborhood. She said the Downtown

Gateway, Core and Waterfront districts combine to form the GIZ boundary and the predominantly residential downtown neighborhood was removed from the GIZ area. She said suggested edits to the draft written decision make points of clarification regarding water-related infrastructure and she explained edits on pages 2, 3, 5-7, 9, 11, and 15-19. Ms. Rempel noted suggested new findings are, again, tied to water-related infrastructure and new Finding GF13 allows for flexibility for future offsets. She provided an overview of the GIZ Eligibility Criteria, standards of review and approval, suggested edits in the General Conditions section pertaining to water infrastructure, and RPP issue area conditions as recommended by the Commission's Planning Committee. Ms. Rempel said the Commission's Planning Committee recommends the proposed GIZ is consistent with Commission regulations and recommends approval with conditions.

Coreen Moore, Planner for the Town of Bourne, said she is pleased to be before the Commission today. She said the town has been working with the proposed plan for a few years. She thanked Commission staff for their work on the project. She said Bourne's Local Comprehensive Plan identified the downtown area as a high priority, the town is continually working on the revitalization of the town, and new design guidelines would become the standard. She said the application is a three-phase approach, projects would continue until the wastewater offset is depleted or has been met, and development will be on a first come basis. She thanked the Commission for supporting the project.

Thomas Guerino, Bourne Town Administrator, said this has been a culmination of an extremely thorough and collaborative effort. He said many people/players have been involved in the effort. He said the town has had a very pin-pointed vision of where they wanted this to be. He said the Town of Bourne has put much time, money, and resources into this plan. He said it's important to Bourne that the Commission views the proposed GIZ favorably today.

Michael Blanton complimented the Town of Bourne and said it has been a pleasure and an honor to have participated with the town. He said Bourne is trying to remind ourselves that the villages are part of their identity. He said a lot of work and talent has been brought forward for many years and he applauded Sallie Riggs for her direction on the Steering Committee. He asked the Commission to look favorably on the project.

Joanne O'Keefe said she was on the Commission's Planning Committee. She said Bourne can move forward with their plan based on the Commission's decision today. She described some of the revitalized developments in the area and said the town has done a wonderful job.

Roger Putnam said a Development of Regional Impact brings into play several issues. He talked about public land and private land. He said the Cape Cod Commission Act talks about regional enhancement and says nothing about cost and the Commission is asking the town to do so and he objects to that. He questioned the Commission's responsibility under the Act versus the responsibility of the GIZ. He said there is need for enhancement in the Town of Bourne. He said there is blight in the town at no fault to the town. He said the Commission is asking the town to pay offsets and questioned why the Commission is asking for more offsets. He asked the Commission to consider impacts from offsets on affordable housing and said offsets will up the cost of land and make housing unaffordable. He asked the Commission to keep in mind the purpose of the Act. He said he would provide a motion at the appropriate time.

Elizabeth Taylor referred to two maps included in their packets and asked for clarification.

Jessica Rempel said the first map, Exhibit A, shows the GIZ boundary and the second map, Exhibit B, is a wetland map.

Elizabeth Taylor asked if there were adequate protections in place for the wetland areas within the GIZ. She questioned the white area on the map.

Ryan Christenberry said it was residential zoning districts.

Heather McElroy, natural resources planner at the Commission, said the Town of Bourne provided information in their application about the wetlands within the GIZ boundary and said the town did modify the boundary. She said the Belmont Circle wetlands are regulative and impacts of those wetlands would be subject to the Bourne Wetland Bylaw. She said regarding the saltmarsh on the western corner there is not much opportunity for it to be altered. She said a shallow marsh between the Canal and the Railroad right-of-way is located within public lands. She said the residentially zoned area is what the town took out. She said the saltmarsh adjacent to that would be subject to the Bourne Wetland Bylaw and the Commission encouraged increasing the buffer in that area.

Elizabeth Taylor said it's great to see Bourne's GIZ before the Commission and said she applauds the town with the results.

Austin Knight inquired about the wastewater infrastructure.

Scott Michaud, hydrogeologist at the Commission, said it's a sewer collection area and there is an inter-municipal agreement between the Towns of Bourne and Wareham that is subject to a cap of 200,000 gallons per day of wastewater capacity to Buzzards Bay.

Austin Knight said the area seems maxed out and wonders what's available for the town in the future.

Sallie Riggs, Executive Director of the Bourne Financial Development Corporation, encouraged the Commission to approve the GIZ application. She said a lot of people have put much work into this and the Board of Selectmen has included the revitalization of Buzzards Bay as a priority. She said what is being talked about for downtown Buzzards Bay is redevelopment; not new development. She said there is only one area of new development but everything else is redevelopment. She said there are more people living in the downtown area so people will be looking for a commercial area. She said what we are looking at is redevelopment and very little new development.

Coreen Moore said this has been a long process but it has been a good process. She said the Town of Bourne needs these tools to revitalize the town and people want this in the downtown area. She said it's not the end all but it's the tool to get the town there. She asked the Commission to approve Bourne's proposed GIZ.

Paul Niedzwiecki said in 2007 he was invited to the Upper Cape Technical Vocational School and coming from a municipal background it was clear to him that Bourne was unique. He said there were challenges of a town split in two because of the Canal. He said he is proud of Bourne's application before the Commission today. He said it's about building a relationship with the town. He said it's important and he hopes the Commission will support the GIZ today. He said he understands Mr. Putnam's concerns about offsets. He said the Commission has learned a lot from this and the decision before the Commission today has been crafted so if the Commission makes changes to its regulations, Bourne would have a reduction in offsets. He said the Commission is grateful to the town for letting the Commission in. He said the problem removing offsets today is based on County ordinances that have been passed and said the decision is crafted in such a way to avoid appeal. He said he is sympathetic with Mr. Putnam but the way to handle this is to change the Commission's regulations. He said he is proud of the application before the Commission today.

Michael Blanton moved to close the hearing and the record. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Roger Putnam said he appreciates what Mr. Niedzwiecki has said. He said he is concerned that staff has made the decision not Commission members. He said Commission members should be making the decision. He said it's wrong to be made slave to a procedure. He said he feels strongly that the Commission should consider the Commission Act.

Michael Blanton said what Mr. Putnam has said and the way the decision was crafted are both sensitive topics. He said on the planning side he believes the Commission has struck a balance here. He said the Commission will be having discussions about changing the Commission's regulations and the Town of Bourne will be re-examined at that time.

Joanne O'Keefe said the Commission is not rubber-stamping anything. She said after the Planning Committee made its recommendation, in order to move forward the Commission needs to go forward today. She said Commission staff does not make a final decision. She said the Commission's regulations can be changed but the Commission needs to get past this step and move forward.

John Harris said John Harding should also be recognized for his work in Bourne.

Jack McCormack said the Commission should look at offsets, however, there is a purpose for offsets.

Royden Richardson said we are talking about redevelopment and said this will be the third GIZ on the Cape. He said it's a tool that allows areas to move forward and it makes so much sense. He said he supports this 100 percent.

Michael Blanton thanked Coreen Moore, Bourne's Town Planner, for all of her work on the GIZ. Mr. Blanton moved to approve the Buzzards Bay Growth Incentive Zone draft written decision, as amended. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Michael Blanton moved to approve Phase 1 of the Buzzards Bay Growth Incentive Zone and DRI threshold modification request. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Michael Blanton moved to forward the Town of Bourne's DRI threshold modification request to the Assembly of Delegates for adoption as an ordinance. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Joanne O'Keefe asked if the Commission needed to address changes to the Commission's regulations today.

Paul Niedzwiecki said the Commission has already begun that work.

■ OTHER BUSINESS

Ernest Virgilio said Mr. Niedzwiecki's visit and presentation to the Town of Mashpee has been very helpful.

Michael Blanton thanked Mr. Niedzwiecki for making tours to Boards of Selectmen on the Cape.

Joanne O'Keefe thanked Mr. Niedzwiecki for going before the Town of Sandwich. She reminded everyone of the upcoming Mass Bike Week and noted that brochures had been distributed to Commission members.

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 PRESENTED AT THE APRIL 26, 2012 COMMISSION MEETING

- Handout material: April 26, 2012 meeting agenda.
- Handout material: Buzzards Bay Growth Incentive Zone draft written decision.
- Materials presented: PowerPoint slide presentation on the Town of Bourne Application for Growth Incentive Zone in Buzzards Bay prepared by the Cape Cod Commission.