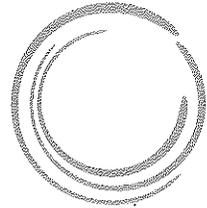


3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Minutes
Meeting of
Cape Cod Commission

April 29, 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	✓
Brewster	Elizabeth Taylor	✓
Chatham	Lynne Pleffner	✓
Dennis	Vacant	Vacant
Eastham	Joy Brookshire	Absent
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Peter Monger	✓
Provincetown	Austin Knight	Absent
Sandwich	Joanne O'Keefe	✓
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	Absent



Keeping a Special Place Special

The meeting of the Cape Cod Commission was called to order on Thursday, April 29, 2010 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ MINUTES

The minutes of the March 11, 2010 Commission were reviewed. Lynne Pleffner moved to approve the minutes. Roy Richardson seconded the motion. The motion passed with four abstentions.

The minutes of the March 18, 2010 Commission training session were reviewed. Roy Richardson moved to approve the minutes. Michael Blanton seconded the motion. The motion passed with three abstentions.

The minutes of the March 18, 2010 Commission meeting were reviewed. Roy Richardson moved to approve the minutes. Michael Blanton seconded the motion. The motion passed with five abstentions.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said he met with the Provincetown Board of Selectmen on Monday evening. He said the Commission and NSTAR have reached an agreement to delay the application of NSTAR's plan to use herbicides to clear vegetation from utility rights-of-way on Cape Cod. He said the application of herbicides would be delayed until 2011 and said the Commission would be working with interested towns regarding the locations of drinking water supplies and sensitive areas within the rights-of-way. He said these resources would be identified and mapped and the information would be provided to NSTAR and municipalities. He said in 2011 NSTAR would begin the public notification process for implementation of their yearly plan and the Integrated Vegetation Management Plan approved by the Department of Agricultural Resources.

Mr. Niedzwiecki said yesterday Secretary of the Interior Ken Salazar issued a decision in favor of Cape Wind going forward. He said the Commission has issues pending with the court and said after a discussion with the Commission's Executive Committee, the Commission will not be appealing Secretary Salazar's decision. He said the Commission will wait for the Supreme Judicial Court (SJC) determination and said the Commission is still hopeful that the Commission's concerns will be addressed by the SJC.

■ SANDWICH LAND-USE VISION MAP PROPOSED AMENDMENT

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

Phil Dascombe, senior community design planner at the Commission, referred to letters received from Karen Dykas and the Association to Preserve Cape Cod opposing amendments to the Sandwich Land Use Vision Map (LUVM). He said the letters were included in the Commission member packets. He said LUVMs are included within the Commission's Regional Policy Plan (RPP). He said the Town of Sandwich is requesting a change to the LUVM in Forestdale and said that area is currently designated as a Resource Protection Area. Mr. Dascombe said the town is requesting that the designation be changed to a mix of "Village" and "Other." He said at Town Meeting the applicant requested a zoning change to several properties to BL-1 (business district) that included Forestdale as a strategic planning area and said a "Village" designation follows BL-1 re-zoning. He said the Sandwich Planning Board held a public hearing and voted unanimously to request the re-designation. Mr. Dascombe provided a procedural history and said at the April 12, 2010 Planning Committee meeting because they did not have a quorum of Planning Committee members only comments/correspondence had been received during the meeting. He said on April 26, 2010 the Planning Committee met and voted to forward the Sandwich LUVM proposed amendment to the full Commission and recommended approval of the requested re-designation. Mr. Dascombe said if the Commission approves the proposed amendment to the Sandwich LUVM today, it would be forwarded to the Assembly of Delegates for adoption. He said if approved by the Assembly of Delegates, it would be incorporated into the Commission's RPP.

Greg Smith, Town of Sandwich Director of Planning, said in October 2008 the Sandwich Planning Board adopted the Sandwich LUVM and Forestdale Village was not included at that time. He said in May 2009 the Sandwich Local Comprehensive Plan (LCP) was approved at Town Meeting and said the Local Planning Committee did not recommend including Forestdale Village in the LCP as a Strategic Planning Area/Smart Growth Center because it wasn't before the town at that time. He said the proposed Forestdale Village project is mixed-use development located on a 75-acre parcel on Route 130 in Forestdale. He said the proposed project would consist of a 16-acre commercial site comprised of 100,000 square feet and 148 units of housing located on a 59-acre site. He said the Zoning Board of Appeals issued a comprehensive permit in April 2010 and to receive requisite permits from the town and the Cape Cod Commission, the applicant sought a zoning change, amendment to the LCP and an amendment to the Sandwich LUVM. He said at Town Meeting in October 2009 voters were asked to approve a zoning change from residential zoning district to Business Limited (BL-1) zone. He said by a large majority, voters approved the creation of a new BL-1 zoning district in Forestdale. He described BL-1 zoning district as small-scale business development for local and transient service and BL-2 zoning district as all scales of business development for local, regional and transient service. He referred to PowerPoint slides and showed the proposed location of the BL-1 zoning district and the proposed Forestdale BL-1 zone. He said Forestdale is suitable for a BL-1 district and said the district is not located within a Wellhead Protection Area and is located adjacent to Route 130. He said local population and pass-through traffic would support the types of businesses that are allowable in BL-1 zoning district. He said at Town Meeting in October 2009 voters had approved the new BL-1 zoning district and were asked to add Forestdale Village as a Strategic Planning/Smart Growth Center to the Sandwich LCP. He said Strategic Planning/Smart Growth Areas are areas the town wants new development and redevelopment to occur—South Sandwich Village Center on Cotuit Road, Tupper Road/Town Marina, Historic Sandwich Village/Route 6A, Route 130 Industrial Park, and Forestdale Village. He said at Town Meeting by a large majority, voters approved the amendment to the Sandwich LCP. He said a proposed LUVM amendment consists of a commercial component of Forestdale Village designated as "Village" and a residential component of Forestdale Village designated as "Other." He said the Local Planning Committee voted to support creation of a village district in Forestdale and the Planning Board voted to approve the amendment at a public hearing. He said the Zoning Board of Appeals has approved a comprehensive permit after numerous public hearings and the Board of Selectmen strongly support the Local Initiative Application for Forestdale Village. Mr. Smith said Town Managers have supported the Forestdale Village concept and Town Meeting has overwhelmingly voted in favor of the zoning change. He said Forestdale Village complies with the vision of the town's LCP. He said many letters of support from various agencies and groups in the community strongly support Forestdale Village. He said this is very important to the Town of Sandwich and it's what the town wants.

Attorney Jon Fitch, who represents one of the five landowners encompassed in this change, said he echoes Mr. Smith's presentation. He said the Town of Sandwich has done all the pre-requisites and he is here to ask for the Commission's endorsement. He said he has spoken to Maggie Geist of the Association to Protect Cape Cod (APCC) and has addressed all those concerns. He entered into the record a letter addressing concerns by APCC.

Don Kiernan, Assistant Director of APCC, said APCC submitted a letter expressing their concerns. He said the Land Use Vision Map (LUVM) was conceived as a blueprint for where development can go on Cape Cod. He said a LUVM's importance is greatly diminished if it can be so easily changed by one development proposal. He said it diminishes value and the point of a LUVM—he said the LUVM is supposed to guide development not the other way around. He said the Sandwich LUVM is within a significant resource area, potential public water supply area, and a freshwater recharge area for ponds. He said the appropriate area for growth is the Golden Triangle area. He said he would urge the Commission to consider this and retain the original designation of this area.

Attorney Jon Fitch said a portion of the proposed change was listed as a priority habitat and said his client has already received approval. He said as far as it being a public water supply area, the town has said they are not looking at this area as a public water supply. He said all this information has been given to APCC. He said the Commission's RPP allows for flexibility not Sandwich's LCP. He said the Town of Sandwich has gone through the process. He said this is planning and addresses flexibility in the RPP.

Greg Smith said whenever Sandwich does anything they look for legitimacy within the town's LCP. He said the plan calls for this type of development in the Town of Sandwich and said it's what the town wants. He said the applicant is proposing an advanced wastewater treatment plant. He said he would urge the Commission to consider their request.

Elizabeth Taylor asked what makes this area a Significant Natural Resource Area (SNRA).

Phil Dascombe said when the SNRA map was created at the time it was natural habitat and water supply areas.

Elizabeth Taylor asked if there was a map showing the proposed area in relation to ponds. She inquired as whether it does about the ponds.

Greg Smith referred to a PowerPoint slide and showed the area on the map.

Elizabeth Taylor inquired about the conditions of the ponds.

Scott Michaud, hydrogeologist at the Commission, said the project is within the Pimlico Pond watershed. He said there is some development in the watershed but he doesn't have any information readily available.

Elizabeth Taylor inquired about the 9%.

Attorney Jon Fitch showed the open space plan going forward and said 9% of the proposed development would be located within the Pimlico Pond area. He said the property does not abut Pimlico Pond; he said it's approximately 100 feet away but it is part of the recharge area.

Elizabeth Taylor asked if open space would be protected.

Attorney Jon Fitch said yes.

Elizabeth Taylor questioned the conditions of the ponds.

Attorney Jon Fitch said that has not been identified to them.

Scott Michaud said if the project is designated as a village and reviewed as a Development of Regional Impact (DRI), relief would not be provided for water resource requirements.

Phil Dascombe said the project would be reviewed as a DRI and it would have to meet DRI thresholds.

Attorney Jon Fitch said the commercial area is already pending as a DRI. He said no relief is being requested for water resource requirements. He said that project is on today's agenda and will be coming up later in the meeting.

Sheila Lyons asked why this project was not proposed for the Golden Triangle area and asked if that had been considered.

Attorney Jon Fitch said this project is privately owned and said the Golden Triangle is municipally owned. He said the simple answer is the applicant who is moving forward did not own property in the Golden Triangle. He said the Forestdale Post Office used to be near this area and then it moved out of the area. He said five properties are involved here and four of the properties are non-conforming. He said there was business in this area in the past. He said those businesses left the area and now the community wants business back in the area.

Sheila Lyons said she is concerned about long-term versus short-term benefits. She said we've learned a lot about our environment and what's appropriate today may have unforeseen consequences later on. She asked if people had thought about that.

Attorney Jon Fitch said, yes, the long-term has been considered. He said that has been explored and requested.

Sheila Lyons asked if the project would work if there were a possible land swap in the Golden Triangle.

Attorney Jon Fitch said personally, no, the Golden Triangle is not the perfect location. He said there are traffic problems in the area. He said business is already there so those needs have been satisfied. He said Forestdale is a better location.

Mario DiGregorio said APCC still has concerns and asked if there has been a response by Natural Heritage and asked if a biologist had done an inventory survey in that area.

Attorney Jon Fitch said he is not aware that an inventory is available and said it's in the process of being done.

Chris Bailey, consultant to the developer, said they are looking forward to coming to the Commission for DRI review of the project. He said that could not be done until the LUVM has been amended. He said they don't have final approval yet by Natural Heritage because we can't get to that point yet. He said they have a conceptual agreement but not final approval yet. He said open space has been set up to be contiguous around the property. He said this is not an area for turtle habitat because there are neighborhoods in the area. He said a comprehensive turtle management program will be done and they are eager to go through the process.

Mario DiGregorio asked if there were rare turtles in the area.

Chris Bailey said there is no suggestion of that.

Mario DiGregorio said the area had been designated as a SNRA—a natural habitat—and there had to be a reason for that designation.

Chris Bailey said there has been no evidence of turtles in the area but they can't say or prove that they are not there. He said they are working with Commission staff and the DEP on water resource issues. He submitted into the record a page from the Sandwich LCP.

Peter Graham asked how the conversation with Maggie Geist was left.

Attorney Jon Fitch said the letter Ms. Geist submitted to the town did address some concerns but the letter was more philosophical in nature of the LUVM as opposed to the actual proposal. He said the

conversation was left with no promises being made. He said he talked a lot about Sandwich's LCP. He said Ms. Geist said she understood and didn't ask about the LCP and said she was talking more philosophically about the LUVM. He said he had suggested that she withdraw her letter but she didn't want to do that. He said he is surprised Mr. Kiernan is here today as Ms. Geist said she understood.

Peter Graham asked if the proposal fits for what is in the area. He asked if there was any "virgin" land there.

Attorney Jon Fitch said the proposal does fit and said land had been previously development in the area. He said there is a lot of development in the area with a handful that has not been developed.

Phil Dascombe made a point of clarification and said a new letter had been received from APCC on Tuesday of this week. He said that letter was included in CCC member packets. He said the letter is a different letter than what the Commission's Planning Committee had seen.

Don Kiernan said to correct the record, APCC didn't just insert into the process. He said they submitted letters to MEPA and Natural Heritage during their process and submitted a letter to the Planning Committee and another letter prior to today's hearing. He said APCC has not changed their position on the proposal and the LUVM. He said they believe this development is in the wrong place.

Lynne Pleffner said she commends the town for their long-range LCP. She said there has been a lot of discussion on what should go in this area. She said she feels information is missing on turtles for example. She asked if endorsed by the Commission today, would the Commission be locked into this when the project comes to the Commission as a DRI.

Paul Niedzwiecki said the Commission needs to focus on what is at hand today and weigh where the town is coming from and what steps the town has taken to convince the Commission. He said there are concerns. He said water resource issues would not change SNRA requirements during a DRI review. He said if the LUVM is not approved, then this project cannot come to the Commission at all. He said if not approved, the Town of Sandwich could say they don't want a LUVM. He said the Commission needs to weigh both sides and we want to be careful going forward. He said the Commission is being asked to consider the change to the LUVM today. He said the project would be reviewed as a DRI. He said the Commission is sympathetic to APCC's concerns and the Commission will have the opportunity to ask all these questions. He said the project comes with a lot of town support. He said the maps are not perfect; they were the beginning of a conversation but at the same time the Commission doesn't want inappropriate projects in the wrong locations.

Jack McCormack said at the time there was a sense of urgency to complete the maps and at that time they were told changes to the maps would be possible.

Joanne O'Keefe said she first heard of the project at Town Meeting. She said the meeting was well attended and said the town was concerned about the checks and balances. She said Sandwich needs a 55 plus community that is well structured. She said perhaps Forestdale Village would show us a purpose that will help when developing the Golden Triangle. She said residents want a development that is conducive to and what they believe is their town. She said the LUVM should not be a blueprint. She said this is not sprawl—Sandwich doesn't want sprawl.

Roger Putnam said only half the towns on the Cape have produced LUVMs. He said if the maps are shown to be not flexible, towns would be discouraged from producing LUVMs. He said if they are written in stone it would discourage towns.

Lynne Pleffner moved to close the hearing and the record. Roger Putnam seconded the motion. The motion passed with a unanimous vote.

Roy Richardson moved to approve the amendment to the Sandwich LUVM as presented and forward to the Assembly of Delegates to be considered for adoption. Jack McCormack seconded the motion. A vote called on the motion passed with 12 votes in favor and one abstention.

■ **NOTIFICATION OF WITHDRAWAL OF HYANNISPORT CLUB/2 IRVING AVENUE**

Marianna Sarkisyan, regulatory officer at the Commission, said the applicant for the Hyannisport Club/2 Irving Avenue project has requested that the project be withdrawn from Commission review. She said the project came to the Commission as a discretionary referral by the Barnstable Historical Commission on November 12, 2009. She said it involved the proposed demolition of the Marchant House, a historic structure constructed in the 1750s located on the grounds of the Hyannisport Golf Club. She said on December 3, 2009 the Commission voted to accept the discretionary referral of the project for review as a limited Development of Regional Impact (DRI). She said since that vote the applicant has not submitted an application and a hearing officer at the Commission opened and closed the statutory 60-day and 90-day periods. She said the 60-day decision period will expire on June 25, 2010 and the applicant has requested that the project be withdrawn from Commission review. She said the applicant has submitted a written request to withdraw the project from Commission review and the Barnstable Historical Commission provided Commission staff with a letter stating that it voted unanimously to approve the withdrawal of the application to demolish the house at its April 20th meeting. Ms. Sarkisyan said Commission staff recommends that the Commission vote to accept the withdrawal of the Hyannisport Club project from Commission review. She said staff was informed by the applicant that there is discussion of forming a committee to raise funds to rehabilitate the house in the future.

Roy Richardson moved to approve the withdrawal of the Hyannisport Club project from Commission review. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ **FORESTDALE VILLAGE PROCEDURAL DENIAL**

Elizabeth Taylor read the hearing notice and opened the hearing at 4:30 p.m.

Kristy Senatori, chief regulatory officer at the Commission, said the Forestdale Village project consists of approximately 73,000 square feet of mixed-use development off Route 130 in Sandwich that falls under the Commission's jurisdiction. She said the project was referred as a DRI by the town of Sandwich on December 29, 2009 starting the statutory time clock. She said a hearing officer at the Commission procedurally opened the hearing period on February 26, 2010 and the 90-day hearing period is due to be closed on May 26, 2010. She said the Town of Sandwich has taken steps to amend the Land Use Vision Map (LUVM) for this area and some of the surrounding parcels in Sandwich to a Village designation, which would be more appropriate for this development. She said the request to amend the Sandwich LUVM was just approved by the Commission earlier and the next step is to forward that recommendation to the Assembly of Delegates for adoption. Ms. Senatori said based on the schedule to amend the LUVM, the applicant's 90-day hearing period will expire before a substantive public hearing can be held, therefore, options are to withdraw the project from review or the Commission can issue a procedural denial without prejudice. She said on March 17, 2010 the applicant's attorney, Jonathan Fitch, submitted a letter requesting that a procedural denial be issued with the understanding that when the map is amended and the area is designated as a Village that the applicant will submit his application for DRI review and the Commission will conduct a substantive review of the project. Ms. Senatori said on April 12, 2010 the applicant addressed the Regulatory Committee regarding the pending procedural denial and at that meeting the Regulatory Committee unanimously recommended that the full Commission procedurally deny the project. She said the applicant has not yet submitted a completed DRI application or an application fee and therefore

Commission staff suggests that the Commission procedurally deny the project without prejudice. She said attorney Jon Fitch is here today on behalf of the applicant as well as the applicant's consultant, Chris Bailey.

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

Roger Putnam moved to accept the procedural denial without prejudice for the Forestdale Village project. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ **CHAPTER A, ENABLING REGULATIONS SECTIONS 13 AND 14 PROPOSED AMENDMENTS**

Elizabeth Taylor read the hearing notice and opened the hearing at 4:35 p.m.

Jessica Wielgus, Commission counsel at the Commission, said the proposed amendments are purely technical changes to Section 13: Modifications and Section 14: Developments on Locations Subject to Prior DRI Decisions within the Enabling Regulations Governing Review of DRIs. She said the technical changes are meant to clarify that Section 14 is only for developments on locations subject to prior DRI decisions. She said it was never intended to allow a DRI that has a condition to evade the Commission's modification process. She said a DRI project still needs to go through the modification process.

Lynne Pleffner asked for clarification and noted that the memo refers to Sections 13 and 14 of the Enabling Regulations and the attached amendment refers to Section 12.

Jessica Wielgus said the proposed amendments are for Sections 13 and 14. She said Section 12 was a typographical error.

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

Jack McCormack moved to approve amendments to Sections 13 and 14 of Chapter A Enabling Regulations and forward to the Assembly of Delegations for adoption. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ **2009 REGIONAL POLICY PLAN PROPOSED TECHNICAL AMENDMENTS**

Elizabeth Taylor read the hearing notice and opened the hearing at 4:40 p.m.

Sharon Rooney, chief planner at the Commission, said the Barnstable County Assembly of Delegates (AOD) requested that the Commission initiate review of at least one section of the Regional Policy Plan (RPP) on an annual basis. She said in addition to reviewing the Affordable Housing Section of the RPP this year, technical amendments to several other sections are proposed. She said those technical amendments include clarification of the process for amendments to the Regional Land Use Vision Map (LUVVM), process for technical amendments to the regulatory map to incorporate updated state and/or local data, amendment to LU1.1 to allow limited flexibility for DRIs that are inconsistent with a LUVVM, clarification of several Water Resources Minimum Performance Standards (MPS) to incorporate map designations as well as other technical changes, process for removal of Significant Natural Resource Area (SNRA) designation, and clarification of Energy MPSs. Ms. Rooney said in addition to that are proposed technical changes to Water Resources Classification Map 1, one of the planning maps in the Water Resources section, and the amended Regional LUVVM. Using PowerPoint slides Ms. Rooney explained the proposed amendments to the Planning and Regulatory Sections of the RPP as listed above. She described the process for amendments to the Regional LUVVM. She said a town completes a public forum including an invitation to all town boards and interested civic groups, the town's Planning Board endorses a LUVVM utilizing the five land use categories, the town submits a proposal to be

approved by the Commission's Planning Committee, a public hearing and recommendation for adoption is made by the full Commission, and the revised LUVM is adopted by the Assembly of Delegates as part of the RPP and is effective as law. She said for those towns that have not prepared a map the Commission could propose a draft LUVM to the Board of Selectmen that incorporates the minimum Regional Protection Area (RPA). She said upon endorsement by the Board of Selectmen, the LUVM would be incorporated into the Regional LUVM through the Assembly of Delegates process. Ms. Rooney explained amendments to the Water Resources Classification Map 1, SNRA Map and the Regional LUVM including the Sandwich LUVM amendment. She described the process for the Commission to adopt revised regulatory maps as periodic updates to state and/or local data become available. She explained technical amendments to the Water Resources Section of the RPP regarding WR5.3, WR5.5 and WR6.2. She explained the process for removal of SNRA designation for projects located within a Potential Public Water Supply Area, projects located within an estimated or priority habitat for rare species as mapped, and projects located within mapped DEP wetland areas. Ms. Rooney said written supporting information from a wetlands specialist must be provided indicating that an onsite field evaluation establishes that no wetland resources as defined by the RPP are present on or within 100 feet of the proposed development site. She also provided clarification of the Energy Minimum Performance Standards for MPS E1.1 through E1.5.

Mary Waygan, member of the Mashpee Planning Board, said she is not representing the Planning Board today and said she is here as a resident. She referred to the process where the Commission could propose a draft LUVM for those towns that do not have a map and send it to the Board of Selectmen for endorsement. She asked if this was a change in the process where the Planning Board is no longer involved.

Sharon Rooney referred to page 96 of the Regional Policy Plan and said the process and endorsement process has not changed. She said the process for Planning Boards does still exist. She said this provides another way for the Commission to propose a map but it still goes through the original process.

Mary Waygan said the change doesn't allow the Planning Board to endorse the map.

Sharon Rooney said it would be given to the Board of Selectmen for endorsement.

Mary Waygan said she would oppose that.

Paul Niedzwiecki said the Commission is trying to provide an alternative to towns. He said out of the 15 towns on Cape Cod only seven towns have maps. He said it's a way for towns to have a LUVM who don't want to do it themselves. He said the Commission could help towns with that process. He said it provides more ways for towns to have a map.

Mary Waygan said she doesn't think the Planning Board should be left out of the process. She said the Planning Board should be included in the process as they are the planning agency. She said she feels uncomfortable with the process where with one scenario it goes to the Planning Board and with another scenario it doesn't go to the Planning Board.

Paul Niedzwiecki said the Commission is just going to the town in a different way. He said it's an opportunity for town boards to work with other town boards. He said he doesn't believe the town would be compromised by a different method.

Mary Waygan said she would like the Planning Board to be involved with both methods.

Roger Putnam said the way it's written he is not sure if the LUVM would become part of zoning.

Sharon Rooney said the LUVM is not part of zoning and said it was never intended to be part of zoning. She said this is a planning tool and it does not change local zoning.

Elizabeth Taylor inquired about removing unfragmented forest habitat from the SNRA map.

Sharon Rooney said that layer is no longer included. She said it wasn't practical as there is not enough unfragmented forest habitat. She said that layer had been previously removed from the map two years ago but at the time the layer was removed the definition had not been removed so the definition is being removed now.

Elizabeth Taylor asked if it was not considered significant habitat.

Sharon Rooney said the 2009 RPP no longer uses that layer. She said this has already been in place and now just the definition is being removed.

Jack McCormack asked if the Commission could do anything to address Ms. Waygan's concern to involve the Planning Board.

Paul Niedzwiecki said the direction the Commission is taking gives towns more opportunities. He said it's not meant to be limiting. He said the hearing process will still take place. He said the Commission is looking for new ways to get more towns to prepare maps.

Sheila Lyons said the Commission is not taking authority from the Planning Board, it's just being given to another level.

Paul Niedzwiecki said for towns who don't have staff this puts it in front of the towns and said it's not meant to take authority from the Planning Board.

Jessica Wielgus, Commission counsel, referred to page 96 of the RPP under Regional Land Use Vision Map Process and said if this process is incorporated, it references step 3 and 5 which allows Planning Boards to be heard through a public process. She said there would be opportunities for Planning Boards to be heard. She said it would provide public vetting.

Paul Niedzwiecki said expanding local debate is something the Commission should not shy away from.

Jack McCormack said then perhaps towns should act before the Commission makes that change.

Paul Niedzwiecki said if there are disagreements with Boards of Selectmen and Planning Boards public vetting is the best way.

Mary Waygan said in Mashpee there is no conflict between the Board of Selectmen and the Planning Board. She said this process would confuse towns. She said there is no conflict between boards in Mashpee. She said the Town and Mashpee Commons are still working on a Development Agreement.

Joanne O'Keefe thanked Ms. Waygan for coming forward about her town.

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

Roy Richardson moved that the amendments to the 2009 Regional Policy Plan as presented be approved and forwarded to the Assembly of Delegates for adoption by ordinance. Jack McCormack seconded the motion. A vote called on the motion passed with 11 votes in favor and 2 votes opposed.

■ **OTHER BUSINESS**

Chair John Harris welcomed Joanne O'Keefe as the new Sandwich Representative to the Cape Cod Commission.

A motion was made to adjourn at 5:15 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Elizabeth Taylor, Secretary