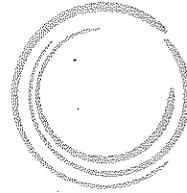


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**Minutes of  
Cape Cod Commission  
CCC Member Retreat/Training Session**

**May 23, 2011**

A CCC member retreat/training session of the Cape Cod Commission was held on Monday, May 23, 2011 beginning at 9:00 a.m. at the Craigville Conference Center, Manor Building, 39 Prospect Avenue, Craigville, MA.

Commission Members in attendance: Michael Blanton, Jack McCormack, John Harris, Leonard Short, Joanne O'Keefe, Mary Pat Flynn, Peter Graham, and Roy Richardson

■ **Communications Policy for Cape Cod Commission Members**

Jessica Wielgus, Commission counsel, using PowerPoint slides, said the purpose of the Communications Policy is to avoid the appearance of prejudgment/bias. She said bias is a particular tendency or inclination, especially one that prevents unprejudiced consideration of a question and even if an individual does not have a bias, appearance of favoring/disfavoring a particular type of development/developer can lead to an issue of appeal. She said the Commission has three broad functions—planning, technical assistance, and regulatory. She said for planning and technical assistance Commission members are encouraged to communicate with officials and the public. She said in the regulatory role, there are some limitations in when and how they communicate. She said in reviewing DRIs, Commission members serve as quasi-judicial board members. She said it applies to all members from the time a DRI application is filed to the final vote before the full Commission as well as the appeal period. She said during this time, all communications to Commission members must be made during public hearings and meetings and applies equally to subcommittee and full Commission members. Ms. Wielgus explained the appropriate measures for receiving emails/correspondence and what members should do when approached by officials or the public. She said members may provide informational updates on the status of DRI review to Boards of Selectmen/Town Council in an open session at a posted meeting, it should be reported/shared with other Commission members at the next subcommittee meeting and full CCC meeting, and minutes of the meeting must be provided to other CCC members. Ms. Wielgus described responsibilities of Commission members and most frequently asked questions. She entertained questions from Commission members.

Nancy Hossfeld, communications coordinator at the Commission, explained the Commission's Public Relations Policy and entertained questions from Commission members.

■ **DRIs, Subcommittee Procedures, and the Open Meeting Law**

Jessica Wielgus said the Cape Cod Commission was established because there is regional, state and local interest in protecting the values of Cape Cod—unique natural, coastal, scientific, historical, cultural, architectural, archaeological, recreational and other values. She said those values were being threatened by uncoordinated/inappropriate uses of the region's land. She said the Cape Cod Commission Act creates the Commission as a regional planning/land use Commission with the power to prepare and oversee the implementation of a regional land-use policy plan (RPP) for all of Cape Cod; review and regulate developments which have regional impacts (DRIs); and recommend for designation Districts of Critical Planning Concern (DCPCs). She said the Commission was established by statute and is comprised of a 19-member board and has the power to delegate to the three standing committees—planning, regulatory and executive. She explained the

role of Commission members and said their three broad functions are to be a representative/liaison to the 15 Cape towns, to be regional policymakers, and serve as quasi-judicial board members in review of DRIs. She explained DRIs, how a DRI is defined, DRI thresholds and review. She explained how the Commission's RPP is the document that guides development on Cape Cod. She said the RPP is a County ordinance passed through the Assembly of Delegates that outlines issue areas that are reviewed for impacts, tracks the values/purposes listed in the Commission Act and as written in the Commission Act it must be reviewed and amended every five years. Ms. Wielgus explained the planning and regulatory sections of the RPP and Minimum Performance Standards (MPSs). She explained the process for subcommittee selections, the purpose of subcommittees and attendance of subcommittee members. She also explained staff reports, site visits, the public hearing/meeting process, subcommittee meetings and recommendations and a final hearing before the full Commission. Ms. Wielgus explained the Open Meeting Law and said its purpose is to ensure transparency in deliberations on which public policy is based and it applies to communication between members of a public body and when deliberation takes place within that body's jurisdiction. She explained how and when deliberation can take place in an open session and the purpose for an executive session. She said presently there are no regulations regarding remote participation in a meeting therefore it is not allowed. She said the Attorney General has been authorized to pass regulations on this issue in the future. Ms. Wielgus entertained questions from Commission members.

#### ■ Ocean Management Planning District of Critical Planning Concern (DCPC) Update

Heather McElroy, natural resources specialist at the Commission, said in 2009 the state's Ocean Management Plan (OMP) revised the Massachusetts Ocean Sanctuaries Act. She said the OMP charged regional planning agencies to develop regulatory review thresholds and criteria and determine appropriate scale of wind turbines for installation in ocean waters. She said the Cape Cod OMP DCPC is in response to the OMP Act promulgated in January of 2010. She said DCPC guidelines were established and approved by the Assembly of Delegates last April. She said the DCPC guidelines define appropriate scale and development criteria for installation of wind turbines in the waters off Cape Cod. Ms. McElroy described the OMP guidelines and explained what activities can and cannot take place in the DCPC district. She said the Commission has been working with a Policy Committee consisting of representatives from each of the 15 towns. She said the Policy Committee has made some preliminary recommendations for addressing the impacts from offshore development. She said the Policy Committee has recently taken up sand and gravel mining that she would explain after a presentation by Sharon Rooney and Phil Dascombe on Visual Impact Assessment.

Sharon Rooney, chief planner at the Commission, and Phil Dascombe, senior community design planner at the Commission, discussed the Visual Impact Assessment (VIA) that was done for the OMP DCPC, the VIA methodology and process that was undertaken.

Heather McElroy described sand and gravel mining and said the OMP only allows sand mining for beach nourishment. She explained potential physical, biological and archaeological impacts; requirements/constraints for sand mining; and policy options. Ms. McElroy summarized the next steps in the implementing regulations process and said the Commission would be holding three sub-regional informational forums. She said the sub-regional forums would be an opportunity for the public to ask questions and provide feedback on the proposed recommendations. She said Commission staff would be presenting an overview of the work to date and the Policy Committee's draft recommendations at the informational forums. She said the Policy Committee would be submitting its recommendations to the Commission's Planning and Regulatory Committees for consideration and then the implementing regulations would go before the full Commission for a vote by August 3, 2011.

#### ■ Comprehensive Economic Development Strategy (CEDS) Update

Leslie Richardson, economic development officer at the Commission, using PowerPoint Slides described the economy as a public/private partnership. She said the private side provides goods and services and the public side provides infrastructure, primary education, research and development, and regulation. She described economic development as economic growth (infrastructure and regulation) and economic diversity (education and workforce development, industry cluster development, and regulation) versus business development (business attraction and business retention). She said the economic development goals in the Commission's Regional Policy Plan (RPP) are low impact and compatible development, a balanced economy, regional income growth, and infrastructure capacity. Ms. Richardson said the CEDS is a process and a five-year plan that is evaluated annually in April. She described the CEDS process, the representatives from various regional organizations and participation of the five work groups. She said the CEDS has the same goals as the Commission's RPP plus one

additional goal for regional collaboration and joint commitment. She explained CEDS implementation and funding and said it's a partnership between the Economic Development Council and the Cape Cod Commission. She said STATSCapeCod (data and information dissemination) and RESET (town technical assistance) was established through the CEDS and 17 regional priority projects were identified in the 2010 CEDS. Ms. Richardson said Commission staff is in the process of updating the 2010 CEDS report.

#### ■ A Smarter Cape Cod

Paul Niedzwiecki, Executive Director, gave a PowerPoint slide presentation on "A Smarter Cape Cod" that he presented at the SmarterCape Summit on May 9<sup>th</sup> at the Wequasset Inn. He discussed smarter transportation, smarter telecommunications, smarter government and a smarter Cape Cod. He discussed the Cape's 560 miles of shoreline, its 1,036 ponds, the Cape's sole source aquifer and its 106 watersheds. He said issues of sustainability cross traditional boundaries and require regional action. He explained the increase in the Cape's population for year-round and seasonal residents and how it has affected water quality on Cape Cod. He said the biggest threat to water quality on Cape Cod is nitrogen and solutions can be met through investment and innovation. He discussed what the cost would be to sewer all development and alternative measures such as Title 5/IA, cluster, satellite, and centralized systems. He said "green infrastructure" can be accomplished through planting of cranberry bogs, aquaculture, salt marsh restoration and nitrogen fixing plants. He said smart growth can be achieved on Cape Cod by guiding growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons. He talked about the SmarterCape Summit that was held on May 9<sup>th</sup> and said it was a collaborative effort and a way to begin an open dialogue and innovative thinking to achieve a smarter Cape Cod.

The training session adjourned at 3:30 p.m.

Respectfully submitted,

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Michael Blanton, Secretary

#### **LIST OF MATERIALS PRESENTED AT THE MAY 23, 2011 COMMISSION TRAINING SESSION**

- PowerPoint slide presentation: Communications Policy for CCC Members prepared by the Cape Cod Commission.
- PowerPoint slide presentation: DRIs, Subcommittee Procedures and the Open Meeting Law prepared by the Cape Cod Commission.
- Open Meeting Law materials prepared by the Massachusetts Attorney General's office.
- PowerPoint slide presentation: Cape Cod Ocean Management Planning DCPC Update prepared by the Cape Cod Commission.
- PowerPoint slide presentation: Economic Development Briefing prepared by the Cape Cod Commission.
- PowerPoint slide presentation: A Smarter Cape Cod prepared by the Cape Cod Commission.