

The meeting of the Cape Cod Commission was called to order on Thursday, June 11, 2009 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ PUBLIC COMMENT

Renie Hamman referred to her memo and copies of assessor's records that were distributed to Commission members. She said the information addresses a PowerPoint and oral presentation given by the Commission's Executive Director at the May 28, 2009 Commission meeting. She said his presentation was given in response to properties located in Yarmouth that were mentioned at the April 30, 2009 public hearing on the proposed Chapter A, Enabling Regulations. Ms. Hamman said she thought some of the information given on May 28th may have been inaccurate and at that time mentioned to Commission members that she would check the information and provide the same to them. She said having done so, the information distributed to Commission members is offered as clarification of information brought up during the presentation on May 28th. She said for the record it was never her intention to offer the properties as sole examples of possible impact by the three-year regulation. Ms. Hamman said she voiced her opinion on the proposed regulation and stated that we all could look at properties in our towns and see if the regulation could possibly have an unintended negative effect now and in the future without naming specific sites. Ms. Hamman thanked the Commission for giving her the opportunity to speak at both the April 30, 2009 and May 28, 2009 Commission meetings.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki welcomed Robert Bradley as the new Harwich representative to the Cape Cod Commission. He said a training session on parliamentary measures has been scheduled on Thursday, September 17 prior to the Commission meeting scheduled for that same day. Mr. Niedzwiecki announced that he has been named to the Governor's Climate Change Advisory Committee and said he would keep Commission members apprised.

■ MINUTES

The minutes of the May 14, 2009 Commission meeting were reviewed. Roger Putnam moved to approve the minutes. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Chair John Harris announced a change in the order of agenda items for today's meeting and said the Comprehensive Economic Development Strategy presentation would be heard first.

■ COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Leslie Richardson, economic development officer at the Commission, thanked Commission staff and consultant Gay Wells for their work on the draft report. She also thanked the Economic Development Council (EDC) for their assistance, in particular Dan Dray for his work, and acknowledged many of the contributors. Using PowerPoint slides Ms. Richardson provided an overview of the draft report and said the update was based on the Regional Policy Plan's (RPP) regional growth policy. She said the Comprehensive Economic Development Strategy (CEDS) is a regional planning process resulting in a five-year strategic plan based on a set of priority projects reviewed annually to measure progress. She described the public participation process that consisted of work groups, focus groups and a public comment period. She said the planning timeline began with a kick-off work group process on March 31st and group meetings held during the month of April, focus groups met on May 5th and 6th and the public comment period began on May 27th through June 3rd. She said the Commission's Planning Committee recommended approval of the CEDS at its meeting on May 26, it was endorsed by the EDC on June 4th and is before the full Commission today for approval. Ms. Richardson said the deadline for submission of the plan to the Economic Development Administration (EDA) is June 30, 2009. She described the 16 priority projects and said they fall into one of three categories—capital investments, planning efforts and/or technical assistance. She said the priority projects would create or retain quality jobs, attract private investment and inspire regional collaboration and partnerships. She also provided examples of ongoing economic development programs and local capital projects. She summarized responses received from focus groups and the public comment period, talked about funding that is available for implementation, described CEDS and project

performance measures and said work groups would reconvene to evaluate progress on their own projects. Ms. Richardson entertained questions from Commission members.

Roger Putnam asked for an example of quantitative and qualitative measures of evaluating a project. He said would they truly be quantitative/qualitative measures.

Leslie Richardson said some would be more measurable than others. She said an example would be has it created jobs. She said the plan outlines specific measures for each project.

Paul Niedzwiecki thanked Leslie Richardson for her work on the CEDS report as well as the EDC, Dan Dray and Gay Wells for their assistance.

Peter Graham moved to approve and adopt the CEDS document as presented. Frank Hogan seconded the motion. The motion passed with a unanimous vote.

Sheila Lyons said she and County Commissioner Pat Flynn sat in on previous presentations and said they were very impressed. She said the CEDS encompasses future goals of the County.

Michael Blanton asked if there had been any challenges by local Chambers.

Leslie Richardson said the local Chambers were very helpful. She said the Sandwich Chamber provided helpful suggestions.

Paul Niedzwiecki said the study focused on 16 priority projects but smaller projects were looked at as well.

Joy Brookshire asked if the annual evaluation process would allow the process to grow.

Leslie Richardson said, yes, it would be an opportunity to hash out details.

John Harris said he would be looking at this closely along the way. He said it's important to the CCC.

Roy Richardson said it provides an opportunity for economic interest to have a regional nature and provides an opportunity for people to participate. He thanked Leslie Richardson for her work on the CEDS.

John Harris said it might be worthwhile when work groups are evaluating their own projects to perhaps have other work groups look at them as well.

A vote called on the motion to approve the CEDS document passed with 10 votes in favor and one abstention.

■ DALBY ANR PROCEDURAL ONLY

Chair John Harris noted that this is a continued hearing from May 28, 2009.

Marianna Sarkisyan, regulatory officer at the Commission, said the statutory 90-day period for the Dalby ANR project ends on June 23, 2009. For procedural purposes, Ms. Sarkisyan asked that the hearing be continued to close the 90-day period by a hearing officer on June 22, 2009 at 10:00 a.m. in the Commission's office.

Joy Brookshire moved to continue the hearing to June 22, 2009 to close the 90-day period by a hearing officer. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

■ CHAPTER H, MUNICIPAL APPLICATIONS FOR REVISIONS OF DRI THRESHOLDS

Roy Richardson read the hearing notice and opened the hearing at 3:40 p.m.

Sharon Rooney, chief planner at the Commission, thanked the Commission's Regulatory Committee and staff, in particular Andrea Adams, Phil Dascombe, Leslie Richardson and Paul Ruchinskas, for their efforts. She referred to PowerPoint slides and said the new Chapter H would allow towns flexibility with thresholds. She said the regulations would establish criteria for towns to propose revisions to certain DRI thresholds described in the Commission's Enabling Regulations. She said the purpose of the regulations is to assist in implementing a regulatory approach regionally to guide growth toward areas that are supported by infrastructure and away from areas that must be protected and said this could be achieved by raising or lowering thresholds in specific areas. Ms. Rooney provided an overview of the different components of the Regulations. She described threshold ranges eligible for application and referred to a chart based on mapped areas identified in the Regional Land Use Vision Map of the Commission's Regional Policy Plan (RPP). She said the process would begin with a town proposing a revised DRI threshold to the Commission. She explained the requirements for all applications and additional requirements for higher and lower DRI thresholds as well as review and approval criteria for higher and lower DRI thresholds. She described the procedure for processing applications and the process for review. She said a town could petition the Commission for repeal of a revised DRI threshold and described the process of repeal. She said once a repeal application has been received, the full Commission would vote at a public hearing whether to approve or deny the repeal application and a written decision would be issued. Ms. Rooney explained the revocation section of the regulations and said should a town fail to implement zoning, funding, and other requirements to comply with Sections 3, 5, and 6 of the Regulations and with the Commission's decision on an application, the Commission could revoke the revised DRI threshold(s) by a majority vote of the Commission.

Don Keeran, Assistant Director of the Association to Preserve Cape Cod (APCC), said APCC supports adoption of Chapter H. He said he believes there could be more changes made in the future in regard to lowering thresholds. He said he would like consideration given in the future to lowering thresholds in natural resource areas. He said he would urge adoption of Chapter H by the full Commission.

Chair John Harris asked Mr. Keeran if APCC would be sending a letter to the Commission with their suggested changes.

Don Keeran said APCC would send a letter to the Commission.

Dan Wolf, co-chairman of the Cape Cod Business Roundtable, read into the record a letter he, Elliot Carr and other Executive Committee members of the Business Roundtable have prepared for the Commission regarding Chapter H Regulations. An excerpt of his letter reads that "they strongly support designation of higher thresholds in pre-designated areas as proposed in the Regulations. Denser development of all types is necessary and more precisely defined higher limits and less regulatory impediment to their utilization would provide a welcome change to the one-by-one regulatory process that has controlled much of the Cape's recent development. However, the proposed regulation totally ignores the offsetting need for less dense development, and more regulatory control, such as including lower thresholds in other areas, if the towns do not change zoning to implement this necessary half of the future growth equation on Cape Cod."

Renie Hamman, speaking as a member of the public, said it was her understanding lower thresholds would enable negotiating with towns to raise thresholds in other areas creating a balance. She said as of now it's status quo. She referred to page 3, the first paragraphed numbered 3 where it says "evidence that prior to submitting the application or repeal application that at least one advertised public hearing has been held by the municipality on the proposed change to DRI threshold(s)" and questioned which municipal board would conduct a public hearing. Ms. Hamman said she would ask that it be specified in the Regulations.

Sharon Rooney said it's not specified so that either board could hold a public hearing and invite the other board. She said either board could hold a public hearing to give the town flexibility.

Roger Putnam said he would suggest that a board that approves should be an elected board not an appointed board.

Sharon Rooney said it has to be a majority vote by both boards and said there is a requirement that the town shows proof that a public hearing has been held.

Roger Putnam moved that "elected" be added to the regulation. Joy Brookshire seconded the motion.

Jessica Wielgus, commission counsel, said in subsection 3 before municipality an insertion could be made to say "elected board of the municipality."

Joy Brookshire said having been on the board of selectmen in her town she would agree.

A vote called on the motion to insert "elected board" passed with a unanimous vote.

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 to submit Chapter H of the Cape Cod Commission Regulations of General Application, Municipal Application for Revisions of DRI Thresholds, as amended and including the amendment made today, to the Assembly of Delegates for adoption by ordinance. Roger Putnam seconded the motion. A vote called on the motion passed with a unanimous vote.

■ **AMENDMENT TO CHAPTER A, ENABLING REGULATIONS TO INCORPORATE CHAPTER H**

Roy Richardson read the hearing notice and opened the hearing at 4:15 p.m.

Sharon Rooney, chief planner at the Commission, said proposed revisions to Chapter A Enabling Regulations have been made to incorporate language for Chapter H Regulations.

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

Roy Richardson moved to submit revised Chapter A Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, to the Assembly of Delegates for adoption by ordinance. Roger Putnam seconded the motion. A vote called on the motion passed with a unanimous vote.

■ **REVISIONS TO TECHNICAL BULLETIN 95-001, DRI GUIDANCE FOR EXTERIOR LIGHTING DESIGN**

Roy Richardson read the hearing notice and opened the hearing at 4:20 p.m.

Andrea Adams, senior regulatory planner at the Commission, said with the adoption of the new 2009 Regional Policy Plan (RPP), Technical Bulletin 95-001 has been updated to conform to the Commission's updated RPP. Ms. Adams outlined revisions made to the Technical Bulletin and said a new title has been added indicating that the Technical Bulletin is a guidance document, not design standards. She said the word "shall" has been changed to "should" throughout the document to, again, make it clear that it provides guidance. She said the Introduction has been revised to reference Minimum Performance Standard (MPS) HPCC2.11 to coincide with the 2009 RPP.

She said in addition MPS HPCC2.11 includes four new requirements designed to ensure that the exterior lighting on projects reviewed by the Commission is consistent with the RPP's Heritage Preservation and Community Character goals. Ms. Adams noted the last significant change has been made to pages 5 and 6, Sections 2.5 and 2.6. She said (base and pole and head) have been changed to a word formula to read as (base + pole + head).

Lynne Pleffner questioned why there were no recommendations dealing with solar.

Andrea Adams said the Commission doesn't typically receive projects proposing solar-powered fixtures and said she only knows of one project that proposed solar-powered walkway pavers. She said any type of fixture, including solar cells, are allowable if they meet the requirements of the Technical Bulletin.

Roy Richardson moved to adopt revisions to Exterior Lighting Technical Bulletin 95-001 as presented. Roger Putnam seconded the motion. The motion passed with a unanimous vote.

A motion was made to adjourn at 4:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

John D. Harris, Chair