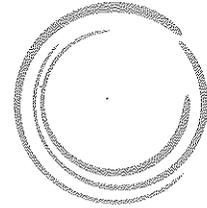


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

August 5, 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	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Peter Monger	✓
Provincetown	Austin Knight	Absent
Sandwich	Joanne O'Keefe	✓
Truro	Peter Graham	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Sheila Lyons	Absent
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	✓



Keeping a Special Place Special

The meeting of the Cape Cod Commission was called to order on Thursday, August 5, 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 the item on today's agenda for the 2009 Regional Policy Plan proposed amendment to the Energy Section would not be taken up today. He said this had been scheduled for a discussion by the Commission's Planning Committee, however, the Planning Committee did not have a quorum therefore it had not been taken up. He said it would be taken up by the Planning Committee at its meeting on August 16, 2010. He said the public is invited to attend the August 16 Planning Committee meeting to provide comment. Mr. Niedzwiecki said Jeff Mullan, Secretary of the Massachusetts Department of Transportation, recently made a visit to the Cape. He said there was a discussion about the Canal Area Study, a discussion about a grant that would provide funding for work on the bridges, and a call for assistance in completing the bike path on the Cape.

■ MINUTES

The minutes of the June 10, 2010 Commission meeting were reviewed. Jack McCormack moved to approve the minutes. Peter Monger seconded the motion. The motion passed with a unanimous vote.

The minutes of the June 10, 2010 Commission member training session were reviewed. Jack McCormack moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with two abstentions.

■ PROPOSED AMENDMENT TO CHAPTER G, GROWTH INCENTIVE ZONE REGULATIONS

Elizabeth Taylor read the hearing notice and opened the hearing at 3:15 p.m.

Martha Hevenor, Commission planner, provided background information and explained the purpose of the proposed changes to Chapter G, Growth Incentive Zone (GIZ) regulations using PowerPoint slides. Ms. Hevenor said the Commission's Regulatory Committee reviewed the draft proposed changes and recommended approval by the full Commission. She said the GIZ regulations were adopted by ordinance in 2005 and created a process for towns to enhance existing downtowns and commercial nodes in areas served by adequate infrastructure that would benefit from additional mixed-use development. She said the purpose of the GIZ regulations is to help draw development and redevelopment into appropriate areas with existing development and infrastructure and away from sensitive resource areas. She said the GIZ is a tool to channel development into economic centers by making it easier, less costly, and less burdensome to develop in these areas than in outlying areas. She said the differential between the GIZ and outlying non-growth areas is an important factor in successfully directing growth patterns. Ms. Hevenor said the Cape Cod Commission has approved two GIZs—the first in downtown Hyannis and the second on Route 28 in Yarmouth covering only the motel area in Yarmouth. She said the proposed amendments to the GIZ regulations entail requirements for eligibility and approval, offsets, and DRI threshold modifications. She said other revisions have been made for language clarification. She said the proposed revisions to "Eligibility and Approval Criteria" would add two items to the list of eligibility and approval criteria requirements for granting a GIZ—a Commission approved Land Use Vision Map and a Commission certified Local Comprehensive Plan. She said these are critical elements of comprehensive land use planning. She said regarding revisions to "Offsets" in exchange for lifting DRI review thresholds and increased density and development inside the GIZ, the GIZ regulations require that towns provide development offsets such as open space protection, down-zoning, undevelopment, and lower DRI review thresholds outside the GIZ. She said the purpose of the offsets is not to mitigate development impacts inside the GIZ but to protect open space and discourage development in outlying areas and help to direct more development/redevelopment inside the GIZ where infrastructure can support additional growth. She said the proposed revisions seek to clarify the offset requirements by providing a calculation methodology and it also extends the period for acceptance of an offset action from 3 to 5 years. She said the Commission has heard from towns that more time was needed therefore the 3 years in the existing regulations has been changed to 5 years. Ms. Hevenor said regarding revisions to DRI Review Threshold Modification the GIZ regulations allow towns to request modification of the Commission's DRI review thresholds to help attract development into the GIZ and away from outlying areas. She said the existing regulations allow for a town to choose either a cumulative DRI threshold or an adjusted DRI threshold. She said the proposed revisions eliminate the adjusted DRI threshold option since that is now addressed under the new Chapter H flexible DRI thresholds. She said the proposed revisions are intended to clarify sections of the GIZ regulations and to help towns and the Commission better understand the requirements. She said the proposed revisions also support the Regional Policy Plan, Land Use Vision Maps, Local Comprehensive Plans, map/resource based planning, steer growth to areas with infrastructure and provide protection of outlying areas. She said it's an effort to tie all

planning tools together making it easier and less burdensome for towns to meet GIZ requirements. She said it's a planning approach that brings all of these tools together.

Ms. Hevenor referred to a copy of an email received from Calligraphics and a letter received from Karen Greene, Director of Community Development in Yarmouth and said both were included in Commission members' packets today. She said although the subject of the email from Calligraphics says Growth Incentive Zone Regulations the subject matter in the text of the email is about wind power. Ms. Hevenor reviewed the letter from Karen Greene and then addressed comments and questions Ms. Greene noted in her letter. Ms. Hevenor referred to Ms. Greene's comment regarding bonus offsets and said Ms. Greene has requested that credit be given to "Other" areas as well. Ms. Hevenor recommended that the Commission accept her request to add "Other" areas to the GIZ regulations.

Elizabeth Taylor referred to Section 10 on page 23 of the draft GIZ regulations and questioned whether that change should be carried forward.

Jessica Wielgus said, yes, that change would be carried forward.

Elizabeth Taylor questioned increasing the multiplier for undeveloped areas to make it closer to open space provisions.

Martha Hevenor said the multiplier for open space is 4 and the multiplier for undeveloped areas is 3.5. She said there is not much of a difference in the numbers.

Joanne O'Keefe asked for an example why a town would move forward with this.

Paul Niedzwiecki said the GIZ was available as a tool under the 2002 Regional Policy Plan (RPP) and was the only available tool at that time. He said since then the Commission has a new RPP (which anticipated that kind of drive), a Regional Land Use Vision Map, Chapter H, and GIZ regulations. He said the GIZ has the ability to provide cumulative relief and there is a lot more control and flexibility for towns with a GIZ. He said the existing GIZ regulations need to be updated to be consistent with the new RPP and Chapter H. He said the revised GIZ would make all the planning tools consistent with each other. He said it's a massive process for planning alignment.

Jack McCormack said the GIZ in Yarmouth included mixed-use.

Martha Hevenor said at the time of the GIZ in Yarmouth offsets did not need to be provided. She said in the future new commercial development would need to provide offsets. She said how it's developed inside the GIZ does not affect the offsets.

Jack McCormack said in Yarmouth their mixed-use allowed for an affordable housing component. He asked if a GIZ would provide for affordable housing in the future.

Martha Hevenor said the GIZ regulations allow for mixed-use and it does have a provision to ensure that affordable housing is included. She said if a town has an affordable housing component in its zoning it would be included.

John Lipman, Manager of Lipman Development Strategies, said he has been working with the town of Bourne. He entered into the record and distributed to Commission members a memo suggesting that an amendment be made to the draft regulations that are being considered for adoption. He said Coreen Moore, Bourne Town Planner, and Sallie Riggs, Bourne Financial Development Corporation, support the suggested amendment. He thanked the Commission's Regulatory Committee and Commission staff for their work on the GIZ regulations. He said the amendment involves additional offset multiplier credit for the location, allowable density, mix of permitted uses, occupancy, environmental mitigation, and/or limitations in available offset areas. He said he would suggest the amended language be added to Section 4.f of the draft regulations. He said the town would be looking for an additional bonus and they support the change from 3 years to 5 years and would support even more time. He said he believes it would allow the Commission flexibility.

Chair Roy Richardson asked Mr. Lipman to explain how it would benefit the town of Bourne.

John Lipman said it would benefit what the town is trying to do. He said in Buzzards Bay the town is trying to be more urban in density. He said they are thinking of having a higher density and mandatory mixed uses. He said given the density being proposed for Buzzards Bay, the town is looking for a bit more of an offset.

Joy Brookshire asked Mr. Lipman to describe the benefit to the rest of the town if urban density is allowed.

John Lipman said the density in downtown Buzzards Bay is struggling to rebuild itself. He said the infrastructure is there and it would provide for a revitalized downtown. He said for the rest of the town it would provide more services. He said they are trying to preserve open space. He said they are looking for more of a differential from downtown and other town areas that will give more incentive to develop in the downtown area.

Chair Roy Richardson asked how community character would be addressed.

John Lipman said that is self evident—they would preserve what is traditional but also have more of an urban character for Buzzards Bay that has been lost.

Sallie Riggs, Bourne Financial Development Corporation, said benefits equal tax base. She said presently 10% of the taxes come from commercial and 90% from residential. She said the commercial percentage is very small which presents a greater burden on the residents. She said Bourne is trying to take the burden off the residents by providing more on the commercial side that would lower the tax burden for residents. She said that would be a benefit.

Coreen Moore, Bourne Town Planner, said she supports the GIZ and she also supports the offsets. She said she likes the change from 3 years to 5 years but she would love to see it be 7 years. She said the town if proactive in acquiring open space and she believes Bourne should get credit for that. She said the downtown area is working on wastewater issues and said she believes Bourne should get credit for that as well. She said they have an action plan for the downtown area that is part of their long-range plan. She said they don't want a small village; they want more of a downtown that can serve the residents of the town. She said residents have to travel to other towns for services that are not available in their own town. Ms. Moore said she supports the revisions but believes it can go forward with more.

Martha Hevenor said what Mr. Lipman proposes sounds like a GIZ. She referred to his concerns about offsets and said the point is not to come up with a growth neutral but more to provide a differential from a GIZ and outside areas. She said mitigation is something that would be addressed through offsets. She said the idea is to have meaningful offsets that help to steer growth in a GIZ. She said she would caution making the regulations too flexible as it might water down the whole purpose of a GIZ designation.

Joanne O'Keefe asked about development when looking at both sides of Main Street.

John Lipman said the western side is more in the flood zone. He said a large part of the development proposed is on the eastern side of Main Street. He said the idea is to try to avoid the most flood prone areas.

Joanne O'Keefe asked if four-story buildings would be going up that would block the view of the canal.

John Lipman said that area would be kept the same. He said a part of Perry Avenue is being looked at for development.

Roger Putnam moved that the suggested amendment to Section 4.f as distributed be added to the regulations. There was no second on the motion.

Paul Niedzwiecki said what is going on in Bourne is very exciting. He said Commission staff believes there is enough in the GIZ regulations to go forward. He said perhaps later on some reprioritizing could be done. He said the Commission wants a successful GIZ to happen in Buzzards Bay. He said the town has an excellent vision for Buzzards Bay and the Commission will help to get that done.

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

Joy Brookshire moved that the Commission approve the proposed changes to the Growth Incentive Zone regulations, as presented, and forward the regulations to the Assembly of Delegates for adoption by ordinance. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

■ **2009 REGIONAL POLICY PLAN PROPOSED TECHNICAL CORRECTIONS TO ORDINANCE 10-07**

Page Czepiga, acting as a hearing officer for the Commission, said no testimony will be heard and no presentations will be made today. She said today's public hearing for the 2009 Regional Policy Plan Proposed Technical Corrections to Ordinance 10-07 is being continued to the Cape Cod Commission meeting on Thursday, August 19, 2010 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates of Chambers.

■ **2009 REGIONAL POLICY PLAN PROPOSED AMENDMENT TO THE ENERGY SECTION**

Page Czepiga, acting as a hearing officer for the Commission, said no testimony will be heard and no presentations will be made today. She said today's public hearing for the 2009 Regional Policy Plan Proposed Amendment to the Energy Section is being continued to the Cape Cod Commission meeting on Thursday, August 19, 2010 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers.

■ **COMMISSION MEMBER COMMENTS**

Joanne O'Keefe, speaking as a subcommittee member, complimented Commission staff and thanked them for all their help at subcommittee meetings.

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

Respectfully submitted,

Michael Blanton, Secretary

LIST OF DOCUMENTS PRESENTED AT THE AUGUST 5, 2010 CAPE COD COMMISSION MEETING

- PowerPoint slide presentation on the Proposed Amendment to Growth Incentive Zone Regulations prepared by the Cape Cod Commission.
- Copy of an email from Calligraphics distributed to CCC members.
- Letter from Karen Greene, Director of Community Development in Yarmouth, distributed to CCC members.
- Memo from John Lipman of Lipman Development Strategies, LLC distributed to CCC members.
- Handout material: August 5, 2010 meeting agenda.
- Handout material: Draft Proposed Amendment to Chapter G, Growth Incentive Zone Regulations.