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CAPE COD  
COMMISSION

**Minutes**  
**Committee on Planning and Regulation**  
**March 19, 2015, 2:00PM**  
**Cape Cod Commission Offices**  
**3225 Main Street, Barnstable**

Committee Members Present: Royden Richardson (Chair), Elizabeth Taylor (Vice Chair), Joyce Brookshire, John McCormack, and Richard Roy

Commission Staff Present: Patty Daley (Deputy Director), Jonathon Idman (Chief Regulatory Officer), Elizabeth Perry (Regulatory Officer), and Jeffrey Ribeiro (Regulatory Officer)

Others Present: Eliza Cox, Esq.

**Minutes Summary**

The Cape Cod Commission (Commission) Committee on Planning and Regulation (CPR) held a public meeting to hear a report on, and accept and adopt, a Development of Regional Impact (DRI) Scoping decision for a proposal by Monomoy Properties, LLC to develop a single family residential subdivision off Atkins Road in East Sandwich. The CPR voted to accept and adopt the scoping decision.

**Documents Used/Received**

1. Draft minutes from CPR meeting on 2/19/15
2. Draft Atkins Road Subdivision Limited DRI Scoping Decision, dated 3/17/2015

**Report on Current Projects and Approval of Minutes**

Jonathon Idman gave a report of current compliance work being done on past DRI projects while the CPR waited for Royden Richardson, Chair, to arrive. Recognizing a quorum present, Elizabeth Taylor, Vice Chair, called the meeting to order at 2:14pm in Mr. Richardson's absence. Ms. Taylor called for a vote to approve the draft minutes from the CPR meeting on 2/19/15. John McCormack moved to approve the minutes as drafted. Joyce Brookshire seconded. The minutes were unanimously approved, with Ms. Taylor abstaining.

**Atkins Road Subdivision Limited DRI Scoping Decision**

Elizabeth Perry presented a draft Limited DRI Scoping decision for the Atkins Road Subdivision project in Sandwich. Mr. Idman reminded the CPR that they were to receive a report of the decision and vote on whether to adopt it as final under the DRI Enabling Regulations. Ms. Perry explained that the Executive Director has found in the scoping decision that the project does not require substantive DRI review for the issue areas of Economic Development, Natural Resources, Energy, Transportation, and Goal 1 of Heritage Preservation/Community Character. She also explained the conditions in the decision.

Mr. McCormack asked Attorney Eliza Cox if she desired to speak on behalf of the applicant, who she represents in the matter. Ms. Cox stated that she had worked closely with Commission staff on the DRI Scoping application and has also met with the local planning board. She stated that she and her applicant endorse the decision as drafted. Mr. Idman stated that although some issue areas have been kept for later review, Commission staff does not see problems with the development in terms of its consistency with the standards in the issue areas reserved for review, as the proposal moves forward for substantive Limited DRI review.

Ms. Brookshire commented on the small size of the lots, which Mr. Idman explained were a condition of RPP standards requiring compact or cluster development. Mr. McCormack asked if there were wastewater concerns for the project and inquired if the subdivision would be building a package plant. Mr. Idman responded that while the applicant originally applied as a Hardship Exemption, in part, to seek approval for proposed individual I/A septic systems to serve the lots, he felt the applicant could satisfy the applicable water resources standards in the RPP for proposed individual I/A septic systems through the RPP's flexibility clause, as the project was not located in any contributing area to impaired watersheds, PPWSA, or Zone II's, and that the project could meet applicable nitrogen loading standards with individual I/A systems. Ms. Taylor called for a vote to accept and adopt the decision as drafted. Mr. McCormack moved and Ms. Brookshire seconded. The Committee voted unanimously to accept and adopt the scoping decision (Mr. Richardson did not participate in the vote as he had not yet arrived at the meeting.)

### **Other Business**

Mr. Idman reported that the Commission may be receiving DRI applications for the Springhill Suites project in Falmouth and the Lahey Residence/Alpha Cottage in Craigville, and he solicited interest to serve on those subcommittees from the CPR. Mr. McCormack and Richard Roy stated that they would serve on the subcommittees.

Ms. Brookshire asked for an update on the status of the Section 208 Clean Water Act Plan update. Patty Daley informed the CPR that the final plan was filed with DEP this week. She explained the self-imposed deadline was missed by a few days to finish graphics work. Ms. Daley said there would be four meetings in April to discuss the designation of Waste Management Agencies (WMA), shared watersheds and do scenario planning. She stated that nitrogen allocations, scenario analyses, and local avenues to WMA designations must all be completed before June 1<sup>st</sup>. She stated the Commission must file the WMA designations with DEP in early June.

Mr. Roy asked what would happen if towns do not accept designation as a WMA. Ms. Daley stated that the EPA and DEP may have to go back to the Conservation Law Foundation regarding the settlement agreement. She said DEP could impose water pollution abatement districts. She added that towns can request districts of several communities together to be designated as well, and she noted that Roger Putnam, Commission representative for Wellfleet, has suggested formation of a Pamet Lens district.

Mr. Richardson arrived at 2:31pm.

**Adjournment**

Ms. Taylor called for a motion to adjourn. Ms. Brookshire moved and Mr. Roy seconded. The meeting was adjourned at 2:33pm.

**Minutes**

**Committee on Planning and Regulation**

**March 19, 2015**

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Elizabeth Taylor, Vice Chair, Committee on Planning and Regulation

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Date