

Cape Cod Metropolitan Planning Organization (MPO)



Cape Cod Commission Conference Room
3225 Main Street Barnstable, MA 02630

CAPE COD
COMMISSION

Draft Meeting Minutes: Monday, October 20, 2014

MPO Members in Attendance

Representing

Clinton Bench	Deputy Executive Director, Massachusetts Department of Transportation, (MassDOT) Office of Transportation Planning (OTP)/ Chairman, representing
Pam Haznar	Richard A. Davey, Secretary/Chief Executive Officer (CEO), MassDOT District 5 Projects Engineer, representing Frank DePaola, MassDOT Highway Division Administrator
Austin Knight	Sub-Region D Representative (D= Eastham, Wellfleet, Truro, and Provincetown), Vice Chair
Richard Roy	Cape Cod Commission, Representative
Sims McGrath	Sub Region C: Representative (C = Brewster, Chatham, Harwich and Orleans)
Curtis Sears	Sub Region B: Representative (B = Towns of Dennis and Yarmouth)
Tom Guerino	Cape Cod Regional Transit Authority (CCRTA)
William Doherty	Barnstable County Commissioner
Andrew Gottlieb	Sub Region A: Alternate (A = Bourne, Sandwich, Falmouth and Mashpee)
Dan Santos	Barnstable Town Council - Alternate

Others in Attendance

Representing

Bryan Pounds	MassDOT, OTP Liaison
Timothy Kochan	MassDOT Highway Division District 5
William Travis	MassDOT Highway Division District 5
Florence Seldin	Sub Region C: Alternate (C = Brewster, Chatham, Harwich and Orleans)
Jill Goldsmith	Cape Cod Regional Transit Authority, Alternate
Terry Whalen	Town of Chatham
Leah Sirmin	Community Planner, Federal Highway Administration
Sallie Riggs	Bourne Transportation Advisory Committee
Sue Rohrback	Senator Wolf's Office
Clay Schofield	Town of Barnstable
Stephen Buckley	openchatham.com
Gloria Freeman	Chatham Citizen
David E. Burns, M.D.	West Chatham Association
Paul Mission	SRPEDD
Seth Taylor	Chatham
William Tuxbury	Chatham
George Myers	Chatham
Rick Leavitt	Chatham
Richard Gulick	Chatham
Jessica Wielgus	Cape Cod Commission, Counsel
Glenn Cannon, P.E.	Cape Cod Commission, Technical Services Director
Lev Malakhoff	Cape Cod Commission, Senior Transportation Engineer
Steven Tupper	Cape Cod Commission, Technical Services Planner

Martha Hevenor	Cape Cod Commission, Planner II
Lisa Dillon	Cape Cod Commission, Administrative Assistant
Patrick Tierney	Cape Cod Commission, Technical Services Planner
Maria McCauley	Cape Cod Commission, Fiscal Officer

Call to order:

Mr. Bench called the meeting to order @ 1:00 p.m. He indicated that there is a meeting of the Advisory Board Committee at 2:30 therefore will need to end the MPO Meeting at that time. Members of the Board introduced themselves as well as the Cape Cod Commission staff and visitors.

Amended minutes of June 23, 2014 and minutes of September 15, 2014:

Upon a motion by Austin Knight to approve the amended minutes of June 23, 2014, second by Curtis Sears, the motion was passed unanimously. Richard Roy abstained from the vote.

Upon a motion by Sims McGrath to approve the minutes of September 15, 2014, second by Austin Knight, the motion was passed unanimously.

Mr. Bench acknowledged all visitors from the Town of Chatham who are here to comment on the FFY 2016 TIP Project #606596. The location of this project is in Chatham on Route 28, George Ryder Road to Barn Hill Road and listed with a cost of \$2,712,414.00.

Mr. Bench explained that the MPO is required annually to endorse a Transportation Improvement Program (TIP). The program looks at the next 4 years and lists all of the Capital Transportation Projects for which Federal funds are allocated. Some projects listed may be fully state funded. The MPO's are entities that are required by the Federal Government in Metropolitan areas with over 50,000 people that recommend distribution of Federal Transportation Funds. The program provides the opportunity for the members of the public, municipalities and key stakeholders to be engaged. Mr. Bench stated that the TIP Project #606596 being discussed today is not scheduled for this FFY but included in FFY 16. By having this project listed in the TIP, we expect the project to go forward. It is also an indication that MassDOT should continue to advance the project institutionally. Most projects listed in the TIP are advanced by the municipalities. The design for this project (#606596) is the responsibility of the Town. The Town is working closely with MassDOT District 5 so that the designs comply with Federal Regulations and Rules. Mr. Bench explained that the MPO compiles a 25 year Regional Transportation Plan (RTP), a Unified Planning Work Program UPWP and TIP projects that are being considered for FFY16-19 all of which are expected to be endorsed in the spring. There will be one more official vote on the current TIP before we get to the year in which the TIP project #606596 in Chatham will begin.

Public Comment:

Gloria Freeman read the attached statement with regard to the West Chatham TIP Project.

Dr. David Burns, President of the West Chatham Association read the attached statement with regard to the West Chatham TIP Project. He also read the attached letter from Tony Zombas, owner of a West Chatham business.

Bill Tuxbury, a West Chatham Resident read the attached statement regarding the West Chatham Roadway Project indicating that the justification used were flawed.

Florence Seldin would like to respond to some of the comments that were made by Chatham residents, during the last MPO meeting with regard to the West Chatham project. She is NOT speaking for the Board of Selectman in Chatham today. This project has not been discussed in quite some time as they are waiting for the Consultants (HSH) and MassDOT to get back to the town with the 25% design. We can discuss changes to the design at that time. When the first comments were made about the resolution of the project, at the special Town Meeting, Ms. Seldin read article 3 to see if the town would instruct the board of selectman and the Town Manager to discontinue the expenditure of further funding for the West Chatham roadway design project. The moderator did inform the petitioner's that the article as written was non-binding and the petitioner Mr. Meservey stated that he wanted to go with it anyway. Ms. Seldin stated as one of the Selectman that spoke on the article she would like to paraphrase the sequence of events which was discussed at the MPO last month. The petitioner did present the article and there were pros and cons by Town Meeting members. The moderator was asked if a petitioner had a comment. As part of Mr. Meservey's response, he stated that we have had this road for 40 years and nothing would be wrong if we had it for another 40 years. A Selectman stated that if we say no to the money we won't get those funds. A second Selectman commented that we do not have Town Meeting to design a project. At which point Ms. Seldin said "if we reject this money, we will not be able to do anything for the foreseeable future. We are asking for the dollars so that we can move ahead on the project" She stated that there is a long line for state money and if you cut off funding we will not have money for design and we will not have a project. This was brought out because later in the year the Chairman of the Board of Selectman invited MassDOT to come to a meeting of the Board of Selectman and at that time Mr. Meservey asked the MassDOT representative if we could just add sidewalks and trees and he was told that MassDOT could not proceed without a design. The vote in favor of the article was 214 to 204. The moderator reminded again that it was a nonbinding vote. A final comment Ms. Seldin had about the comprehensive plan. The Board of Selectman is committed to working out goals on the long range plans. One of the major issues is Land Use. The Board is working on that within various parts of Town. In West Chatham one of the issues listed in the Comprehensive plan we are trying to address is the highway corridor. The strip development which was designed for automobiles is poorly designed for pedestrians. There are hazardous intersections, and a lack of landscaping to so many businesses', no focal space, no green space and an overall lack of architectural appearance. She concluded that West Chatham is waiting for the 25% design.

Richard Gulick a resident of West Chatham stated that he understands and appreciates that his fellow neighbors are extremely concerned about the future design of the roadway. He stated that having worked in Government for many years he knows that people are resistant to change. He feels that this is not a valid reason to stop the significant changes in future roadway projects. The project design must be based on the needs of the entire population as well as visitors. He stated that the existing conditions are confusing and potentially dangerous they should be carefully studied so that the future design of the roadway is in the best interest of the public.

Mr. Gulick stated that he went into a local business and spoke to the operator of the business. On that particular property he stated that there is a Farmers Market every Tuesday and the woman that owns it puts a marker in the middle of the road to show that it is a pedestrian crossing. She also communicated that the marker has been hit 8 times during the summer.

Mr. Gulick asked if there had been considerable outreach for the West Chatham Project. In closing he stated that the West Chatham village is being carefully evaluated from the land use perspective as stated by the Selectman and will provide recommendations for the next several decades and issues that will arrive over the next several decades. He hopes that this project will rejuvenate economically, visually

and will be a credit to the town as a whole. An upgraded roadway infrastructure will be important asset which will benefit the neighborhood and town as a whole.

Rick Leavitt from the West Chatham Village Business Association read a quote from the local newspaper sighting West Chatham as a blighted roadway, an eye sore, an inconvenience and a hazard. He commented that it depends on what lenses you are looking through. He described the project, trying to put it in some kind of perspective. This is part of a much more ambitious project which is to prevent strip development on 4.4 miles on Route 28 from Harwich Port to Downtown. It is a village center initiative to prevent sprawl. It covers 4 miles which are zoned 90% Commercial and 10% residential than plan is to reverse that; 90 % residential and 10% Commercial which would primarily be in West Chatham Center. Dan Wolf was quoted in the Cape Cod Times on Saturday in the Editorial section he said "I see an opportunity to revitalize Route 28 corridor from Hyannis to Chatham and implement smart growth concepts. Over time, we have to address some of the bad land use decisions of the past and enhance the character of the communities here. We want to invest in infrastructure to promote walking village centers. We need to do more revitalization". Mr. Leavitt presented his own materials which is included in your packet from West Chatham Village and Business Association, Remarks to the Cape Cod MPO, October 20, 2014.

George Myers of Chatham read the attached remarks to the Cape Cod MPO with regard to the West Chatham Roadway Project.

Steve Buckley questioned the process as it relates to the last MPO on September 15 in which the public participation plan had been discussed and comments that were made. He had something to say but held his comments until the subject came up on the agenda. When we got to that part of the agenda in which he had comments we did not ask if there were any public comments. The comment period for the PPP was open until September 15 and he wanted to give comments during that time. Mr. Buckley would prefer to hear what the status of the PPP before he makes his comments. Mr. Bench understands Mr. Buckley's point and stated that these comments have been made each time Mr. Buckley speaks at MPO Meetings. Mr. Bench made clear that there is an official time for Public Comment during each meeting which is the first agenda item. He reiterated that this is an open meeting for the members of the board. No additional time is listed on the agenda for public engagement. All MPO's in Massachusetts try to accommodate engagement by the public should there be an issue that needs clarification. Mr. Bench again stated that the appropriate time to make public comments during this meeting is now. If the MPO is debating something and there are comments, please hold up your hand and we will always do our best to get to you. The procedures of the meeting need to be followed, for example if there is a request to go onto a vote. Mr. Bench repeated to Mr. Buckley that now is the time for Public Comment. Mr. Buckley remarked that there may be a possibility later, but one should not count on it. Mr. Buckley then mentioned a conference he attended which was held by the National Coalition for Dialogue & Deliberation (NCDD.org).

Mr. Buckley asked if we could pull up a picture on the web which is on openchatham.com and look at Dec 17, 2013. The comment is "Consultant for West Chatham Roadway DID NOT SHOW US a visualization for his 3rd option: "left-turn w/Turning Pockets". Mr. Buckley sent an email on Dec 10 stating that the proponent has not complied with process of the MassDOT design standards. Mr. Buckley stated that this discussion has been going on for years and you would think that there were only 2 options. Last November when the consultant came up with a third option, it disappeared as soon as it appeared. Mr. Buckley went on the web and found a picture of what should have been presented to us. It states in Chapter 2 of the design manual that graphic drawings of all options should be presented. Out of the 3 options presented and we got drawings of 2, the one we have now and the 2 lane highway. There is a link on the website that will show what the Town of Chatham did not see. Mr. Buckley believes that this option is something that is safer. He feels that people are stuck and digging their heels in saying it's my way or the highway. His point is that the graphic design was not provided for the 3rd option. Mr. Buckley referred to the email contained in the packet from Pam Haznar to Terry Whalen to the Chatham Town Planners which lists Public Outreach. This is basically providing information that

show that you complied with public hearing requirements. He stated that MassDOT District 5 does not check to see what kind of hearing were had. His experience is that most hearings are not particularly satisfying, as they don't come to anything. He wonders how 5 or 6 bad hearings can somehow become cumulative, it becomes more and more frustrating when the meetings offer no options. One Board of Selectman said that you have to start a North Chatham Civic Association to get any kind of respect. That is what was not presented. The letter that Terry Whalen wrote to Pam Haznar stating we had a public meetings but didn't mention that we didn't follow DOT's regulations. If you want more information, the links are on openchatham.com. There is more information about how MassDOT is not checking to see if there procedures are being followed.

Seth Taylor, a Selectman in the Town of Chatham, stated that this is an emotionally charged issue and won't be taking a lot of our time. Chatham has had a number of these issues lately. He commented that Mr. Meservey was the principal proponent and the cause of a special Town Meeting in Chatham in which the voters had an opportunity to vote on. Mr. Meservey is not an attorney and he crafted what he thought he could best use so that the project could not move forward. He found out after collected the number signatures which are necessary to call Town Meeting that his article as written had some flaws, but Mr. Meservey is a man of considerable honor. He chose not to present an amend to the floor of Town Meeting because it would be contrary to what the 100 people had signed on for. It wasn't that he didn't want to fix it, he felt bond to comply with what he presented 100 people with. Mr. Taylor offered to amend this article on the floor and Mr. Merservey stated that those where his wishes. Despite that, there was a discussion at Town Meeting. The line was out the door and the debate was back and forth. After which the people from the Town of Chatham voted to not continue the project. He stated that business people on Cape Cod have an incredibly difficult challenge on how to make a living on a 2 to 3 month season. The approx. 90% business owners that do not want this plan know what it takes to run a business. There businesses are running well with the current infrastructure. He also mentioned that there has been no large safety concern at this part of the project. Mr. Taylor asked that we withdraw this project from the TIP, as he does not feel that the proper work was done with the people of Chatham. He would rather not get the money that to do a project in which the people and businesses do not support.

Mr. Bench stated that this concludes public comment. He pointed out the upcoming agenda items which are the PPP as well as the solicitation of nominees for MPO, sub region D that requires voting. He also stated that there is a Project Selection Advisory Council Meeting at 2:30 today.

Mr. Bench asked if there were any comments from the MPO with regard to the public comments that were made today. Mr. Knight commented that the dialogue that was received at the last meeting was one sided and feels that today were able to hear both sides of the discussion. Mr. Knight stated that he is not prepared to make any changes today to the TIP as there needs to be more dialogue before it is removed from the TIP. He stated that this is almost a 50/50 conversation and without the design plan it's not fair to make any decisions. He acknowledges both sides and understands all concerns but feels as though we are at the early stage of the process.

Mr. Doherty supports Mr. Knight's comments and is concerned that moving forward we should look at design before we determine moving forward with projects. A sensible, reasonable approach to a community problem needs to be determined.

Mr. McGrath commented that he feels that the 25% design is important so that there is opportunity for amendment and modification at that time as well as further public outreach. He feels this needs to happen before the MPO votes to keep or remove the project from the TIP.

Mr. Sears would like to look at other projects that could fill the space if this project does not move forward. He feels that this discussion does need to continue but outside of this room, locally. The Town of Chatham needs to make their decision then come to the MPO with a unified message.

Public Participation Plan: - Review of Public Comments and Vote to Extend Public Participation Plan Comment Period.

— Jessica Wielgus, CCC Counsel

Mr. Doherty stated that he feels that the Public Participation Plan is a work in progress, and we should accept the Public Participation Plan as it is then revisit it in 6 months to see how it is working.

Mr. Bench stated that the attached Public Participation Plan is a redline version which incorporates comments provided to the staff. Mr. Bench enforced what Mr. Doherty said and confirmed that Page 1 in the fifth paragraph states that “This plan is a living document”, and it does. Mr. Bench also brought attention the redline changes on page 25, 5b and on page 8. He stated that the effort by staff was to address the same issue on both places. Mr. Bench is concerned that on page 8, it is doing something different. Mr. Doherty stated that if a motion to accept is passed, the difference between intent or application would be ironed out based upon the application. Mr. Bench asked to look at a very specific word on the top of page 9 “as well as after significant amendments”. Mr. Bench is concerned that the term amendments has an official meaning and is not sure if that is what is intended here. He would like clarification on the intention on the way this was written. It is important that we are clear on what the word amendment means in this document. Ms. Wielgus stated that we could change the wording on page 9 to reflect significant changes rather than amendments so that it is in line with page 25. The intent was to capture the addition 7 day comment period. Mr. Bench feels that the change on page 8 is not necessary as it’s been changed so many times based on comments received and it is not providing substantial meaning. He is fine with leaving it alone and Ms. Wielgus stated that we could remove the sentence on page 8/9.

Upon a motion by Mr. Doherty to approved Public Participation Plan and revisit in 6 months, second by Tom Guerino, the vote was passed unanimously.

Austin Knight commented that making the change as requested by council to change the wording from amendments to changes clarifies and draws the two changes together.

Upon a motion by Sims McGrath to amend the changes in wording of the PPP on page 9 to changes rather than amendment prior to release, second by Austin Knight, the vote was passed unanimously.

Mr. Bench stated that the Public Participation Plan is intended as framework that guides the thresholds for public engagement that are required when we are developing our certification documents. It is not meant to be a guide book specifically. This is something that we trust our staff to do on a project by project basis.

Cape Cod Metropolitan Planning Organization (MPO) Nominees for the Sub-Regions: Vote to open Nominee Ballots.

— Maria McCauley, CCC Fiscal Officer

Ms. McCauley stated that we received one nomination from Sub Region D, Selectman Jay Coburn and he has declined the nomination. We sent out letter requesting nominations and we have 2 for today:

Nominees for Sub Region D

Linda Burt	Nominated	Cheryl Andrews
John Knight	Nominated	Jay Coburn

Ms. McCauley stated that she will send the ballots after today's meeting, and no action is required at this time.

Mr. Bench asked the agenda item in which the UPWP Year-End Review is presented move to the next meeting. He then asked staff if there was anything else that we needed to discuss at today before adjourning for the next meeting.

Mr. Cannon stated that the next MPO Meeting is on November 17, 2014 @ 1:00 P.M. He stated that we will be following up on the nomination. Ballots will be going out to all of the Selectman. We will be selecting the next Sub Region representatives at the next meeting. Mr. Cannon thanked the Sub Region representatives for their outstanding work with the MPO.

Unified Planning Work Program (UPWP) Year-End Review: Presentation and Discussion.
— Glenn Cannon, CCC Director of Technical Services

Will be on the November 17th Agenda

Reports and Other Business

Project Updates and Other regional reports from MassDOT Highway Division District 5 Office, Cape Cod Regional Transit Authority (CCRTA), and the Cape Cod Commission.

There were none.

Next Meeting: Monday, November 17, 2014

Adjourn: Upon a motion by Curtis Sears to adjourn the meeting, second by Tom Guerino, the meeting was adjourned at 2:30 pm with a unanimous vote.

Documents and Exhibits Used/Received:

Agenda, October 20, 2014
Amended minutes of June 23, 2014
Minutes of September 15, 2014
PPP Cover Memo, dated 10/8/14
Public Participation Plan, Revised 2014
FY 2014 Unified Planning Work Program (UPWP)
West Chatham photos
Public Comments received Sept 18 – October 20, 2014