



CAPE COD  
COMMISSION

# Cape Cod Metropolitan Planning Organization (MPO)

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

Draft Meeting Minutes: Monday, July 20, 2015

## MPO Members in Attendance

David Mohler  
  
Leo Cakounes  
Jessica Rapp Grassetti  
R. Patrick Ellis  
Sheryl McMahon  
Sims McGrath  
Robert Weinstein  
Jill Goldsmith  
Pamela Haznar  
  
Leah Sirmin  
  
Neil Andres

## Representing

MassDOT, Office of Transportation Planning, representing  
Stephanie Pollack, MassDOT Secretary/Chief Executive Director  
Barnstable County Commissioners  
Barnstable Town Council  
Sub Region A: Bourne, Falmouth, Mashpee and Sandwich  
Sub Region B: Dennis and Yarmouth  
Sub Region C: Brewster, Chatham, Harwich and Orleans  
Sub Region D: Eastham, Wellfleet, Truro and Provincetown  
Cape Cod Regional Transit Authority Alternate  
MassDOT Highway Division, District 5 representing Tim Tinlin,  
MassDOT Acting Highway Administrator  
Federal Highway Administration, representing Pamela S.  
Stephenson, FHWA Division Administrator (non-voting)  
CCJTC Chairman (non-voting)

## Others in Attendance

Bryan Pounds  
Daniel Santos  
Terry Whalen  
Sally Riggs  
Susan H. Rohrbach  
Lance Lambros  
Cory Metiers  
Timothy Roper  
Jeffrey Dykens  
George Myers  
Daniel Meservey  
Stephen Buckley  
Dr. David E. Burns  
Rick Leavitt  
Florence Seldin  
Elaine B. Gibbs  
Bill Tuxbury  
Gloria Freeman  
Patty Daley

## Representing

MassDOT, OTP Liaison  
Barnstable Town Council, Alternate  
Town of Chatham  
Bourne Transportation Advisory Committee  
Representing Senator Dan Wolf  
Representing, Senator DeMacedo  
Chatham Board of Selectman  
Chatham Board of Selectman  
Chatham Board of Selectman  
Chatham Section 106 Consulting Party  
Meservey's Hess, West Chatham  
openchatham.com  
West Chatham Association, Chatham  
West Chatham Village and Business Association  
Chatham Citizen  
Chatham Citizen  
Chatham Citizen  
Chatham Citizen  
Cape Cod Commission, Deputy Director

Glenn Cannon, P.E.  
Jessica Wielgus  
Lev Malakhoff  
Steven Tupper  
Patrick Tierney  
Cally Harper  
Lisa Dillon

Cape Cod Commission, Technical Services Director  
Cape Cod Commission, Commission Counsel  
Cape Cod Commission, Senior Transportation Engineer  
Cape Cod Commission, Technical Services Planner  
Cape Cod Commission, Technical Services Planner  
Cape Cod Commission, Planner II  
Cape Cod Commission, Administrative Assistant

### **Call to Order**

David Mohler called the meeting to order at 1:00 p.m. Members of the Board introduced themselves as well as the Cape Cod Commission staff and visitors.

### **Minutes of June 15, 2015:**

Upon a motion by Sims McGrath to approve the minutes of June 15, 2015, second by Patrick Ellis, the vote was passed unanimously. Pam Haznar abstained from the vote.

### **Public comment:**

The public gave comments regarding their support or non-support of the Rte. 28 project in Chatham.

Dr. David Burns referred to the minutes of June 15 where Sims McGrath commented that the Town of Chatham declined to embrace initiatives that would have stalled the project. (Page 4, paragraph 5). Dr. Burns stated that if Mr. McGrath is referring to the Town meeting of 2015, that issue involved Chatham roadways, sidewalks and scenic highways there was nothing included in that discussion other than what Mr. Leavitt presented. He thinks that the town meeting that Mr. McGrath was referring to was in 2014 at which time the town approved to stop funding of the project.

Jeffrey Dykens stated that he became aware of a group that attended the last MPO meeting in opposition of the Chatham Project. People are reacting to this project because in approx. 2008-2010 there was a sewer project which was very disruptive and impacted business owners. This project has been examined, vetted and voted on by two different boards of selectmen. There have been countless public meetings with public debate and everyone has had a chance to weigh in on the project. He feels that the project will provide safety to all modes of transportation as well as residents and visitors. While this project is controversial, it is an improvement to the town. In closing, he stated that MassDOT did a great job phasing the Rte. 137 project and he is confident that they will do so in Chatham. He would like to go on record as stating that the leadership in Chatham is in favor of the project.

Timothy Roper has been on the Board of Selectman through both groups at the time this project has been discussed. Initial designs were not considered favorable. The new plan is practical and useful for the town and supported by the majority of the people. People have had plenty of opportunity to give input. He mentioned the sewer project and the problems that occurred, he has faith that this project

will have minimal impact on businesses and eventually improve business due to the road improvements. To delay the project after 5 years would be injurious to the Town of Chatham.

Florence Seldin served on the Board of Selectman in the Town of Chatham from 2009-2015. She was the chair when there was a unanimous vote in 2013 to move a preferred concept to the 25% design phase. She stated that there has been extensive public outreach in the last 5 years with several town meeting votes as well as concerns about this portion of Rte. 28 clearly addressed in the town's comprehensive plan. As a public official she understands the difficulty securing what the public wants, but in view of all the steps taken to vote this project, she believes that public support has grown. She concurred with the information regarding the disruption of the businesses during construction of the prior project, but MassDOT has indicated that they will be able to keep the road open. She urges the Committee to keep Chatham on the TIP.

Rick Leavitt stated the Chatham project is a complete streets project in compliance with the Regional Transportation Plan and is also part of Chatham's long range comprehensive plan. Chatham's other 5 committees voted their support for the project and 40 local businesses' all support the project.

George Myers stated that he understands that those opposed were affected by the sewer construction project a few years ago. He stated that this is not a "deep dip" project and that MassDOT, the town and the HSH Consultants have assured the town that this project can be completed with no road closures with business as usual. He urges the committee to keep the project on the 2016 TIP.

Steven Buckley stated that he has been to all of the meetings since 2005 and was on the planning committee when the long range plan which was approved in 2003. In November of 2013 the current consultant came up with a 3<sup>rd</sup> option that would be shown. He stated that meetings were plentiful but unproductive. He stated that the process was unsatisfying because it was not following the MassDOT public design guide. Since the last MPO meeting he received a letter answering the question of did MassDOT and Federal Highway follow the guidelines required by Federal Highway? The response letter stated that yes the efforts were consistent with the guidelines. Mr. Buckley stated that he didn't say that they weren't, he said that they were incomplete and in compliance. He is a former federal engineer and he worked to find out if people were compliant with environmental laws. Mr. Buckley stated that he is going to Washington next week to meet with DOT headquarters; there is a conference on open government. Chatham has recordings and all he has to do is point to where Federal Highway said the other options, actually there were 3 options, one of which was not presented. The public was not presented with all of the options they were entitled to.

Cory Metters stated that he voted to move forward and supports the project. When this project happens whether it is in 2016 or 2017 the project has to be spot on. Everything possible needs to be done to protect the local businesses during the construction of this project. He feels that the town needs to be involved in every detail. He feels that this project along with the work being done by the local planning board is only going to improve the neighborhood.

Daniel Meservey from the business association came forward and asked the business's how they felt about the project. They attended meetings, presented signed petitions and everything was ignored. Upon seeking advice from an attorney, we came up with the wording to instruct the selectman not to proceed with the project. We were informed that this word "instruct" does not make selectmen listen and he was asked if he wanted to change the wording. 410 people voted on the article, 210 voted in

favor of stopping the article, 200 voted against it. It was a slap in the face to the people as it was not accepted as a result of it not being binding. He added why would you do a project that you WANT done, rather than a project that NEEDS to be done?

Dr. Burns stated that this project was their “grandchild”, they fought it out then came to MassDOT . From the start getting an opinion of the 3<sup>rd</sup> lane was completely ignored. There was no consideration for seniors that go to the West Chatham post office every day where there are 700 P. O. Boxes and that will be the primary post office. At one particular Board of Selectmen meeting, the residents had 1 minute to make comments about the plans. At another BOS meeting, during the designated roadway project discussion, you could only ask questions with no expectation of getting an answer. Every one of the Committees is handpicked; and the people need to be made aware. It is not a democratic process.

Elaine Gibbs, Chatham citizen not a business owner and was not affected by the sewer project. She reviewed the processes in which the project has undergone. Ms. Gibbs stated that businesses are concerned about what is going to happen down the road. She made reference to comments about public outreach stating that there has been talk and that it's been ongoing and we have all had an opportunity to speak. She cannot think of one objection that opponents have had that has been addressed. She is opposed to this project.

Gloria Freeman stated that the Safety Committee in Chatham did NOT approve this project. It is frustrating to hear inaccurate statements. You have also heard that there has been a lot of public outreach, that is true, but the people weren't listened to. She thinks Ms. Seldin forgot that the article was amended to remove Main St. from the article since it was not a scenic road. Both new selectmen were concerned about the project. She is in opposition of this project and has been. She stated that when over 90% of businesses are opposed to a project MassDOT and MPO should not ignore this. The town meeting in 2013 approved an article that stopped funds for the design on this project. In closing, I hope that you delay this project. Mr. Tinlin wrote to me late last night stating he would look into this project. We ask for your support until he does.

Bill Tuxbury stated that on Page 4, paragraph 5, 1<sup>st</sup> sentence of the minutes where Mr. Tupper commented on scoring, he disagrees with Mr. Tupper and stated that the West Chatham project has the lowest score @ 3.9. This score was given before the rotary was repaved which would make the actually be about 2.9. In the same paragraph Mr. McGrath stated that that the Chatham Town meeting had declined to embrace initiatives that would have stalled the project. Mr. Tuxbury believes that Mr. McGraths comment was an incorrect interpretation. The West Chatham rotary project is a beauty project, nothing more. The justifications in the original PIF submitted in July 2011 have been shown numerous times to not be credible. There are no accidents and speeding issues, at a time the state budget has problems particularly in the transportation sector, it seems counterproductive to spend tax money on beautification when it could be put to better use where safety is an issue.

**Green House Gas Self Certification Compliance Statement:** *Vote of the Metropolitan Planning Organization (MPO) whether to endorse the Green House Gas Self Certification Compliance Statement, which is a list of all Transportation Improvement Program (TIP) projects that have been analyzed for Green House Gas emissions and whose results are anticipated to be included in MassDOT state wide Green House Gas impact assessment – Lev Malakhoff, Cape Cod Commission Transportation Engineer*

Mr. Malakhoff presented the “Self-Certification Compliance Statement” for signatures of the MPO members

**Federal Fiscal Year 2016 Unified Planning Work Program (UPWP) Public Comments Reviewed:** *The Metropolitan Planning Organization (MPO) will review and consider all public comments on the proposed Federal Fiscal Year 2016 UPWP received during the public comment period June 15-July 15 2015. - Glenn Cannon, Cape Cod Commission Director of Technical Services*

Mr. Cannon reviewed the public comment summary grid.

**Federal Fiscal Year 2016 Unified Planning Work Program (UPWP):** *Vote of the Metropolitan Planning Organization (MPO) whether or not to endorse the list of transportation planning projects scheduled for funding and implementation as outlined in the Federal Fiscal Year 2016 Unified Planning Work Program - Glenn Cannon, Cape Cod Commission Director of Technical Services*

Mr. Cannon presented a power point. The presentation outlined Tasks 1 – 4 and includes a DRAFT FY 2016 funding summary.

Mr. McGrath asked for clarification on the Canal Area Study and completion dates. Mr. Cannon stated that MassDOT is working on the alternatives in August, expecting a DRAFT report at the end of October then final report in December at which time the MPO will review.

Mr. Cakounes asked if when we look at transportation particularly with buses, terminals etc. are we looking at the needs of tourists? Mr. Cannon stated that the year round fixed service is primarily on Rte. 28 where tourist oriented development is located, therefore addressing those needs.

It was clarified by Mr. Cannon that the Denver Service Center is supplying information for extending the bike path from Wellfleet as requested by Robert Weinstein.

Mr. Weinstein asked if the Pamet River Valley is being looked at and asked that this area be looked at and given priority.

Upon a motion to approve the UPWP as presented by Sims McGrath, second by Patrick Ellis, the vote was passed unanimously.

**2016-2019 Transportation Improvement Program (TIP) Development Public Comments Reviewed:** *The Metropolitan Planning Organization (MPO) will review and consider all public comments relative to the 2016-2019 Transportation Improvement Program received during the public comment period June 15-July 15 2015. - Steve Tupper, Cape Cod Commission Technical Services Planner*

Mr. Tupper reviewed the public comment summary grid.

Ms. Freeman asked why the petition was not listed as she feels that this is a powerful document. Mr. Tupper stated that he did not omit any comment – this information is being submitted to the MPO in its entirety and is detailed under comment # 15.

Dr. Burns asked why the petitioners were not mentioned individually as in opposition because they are directly related to this project.

Mr. Buckley pointed out the attachment which shows the matrix. Tip comment # 6 on pg 16 of 85. Presented dismissed comments. The selectman did not see it nor did the public.

Mr. Leavitt stated that the 3<sup>rd</sup> option was discussed but not illustrated. It was rejected because the studies of the left turn were not sufficient under MassDOT guidelines to warrant a turning lane. He stated that all 40 West Chatham businesses that were submitted had no intention to be listed separately.

Ms. Seldin asked if the CCJTC endorsed the project. Mr. Tupper stated that yes it was presented on June 26 and it was their recommendation to move forward with the document as presented.

**2016-2019 Transportation Improvement Program (TIP) Development:** *Vote of the Metropolitan Planning Organization (MPO) whether or not to endorse the Transportation Improvement Program. The Transportation Improvement Program is a recommended list of transportation projects to be advertised and eventually constructed using MassDOT, Federal Highway Administration and Federal Transit Administration funding for Federal Fiscal Years 2016 to 2019. - Steve Tupper, Cape Cod Commission Technical Services Planner*

Mr. Tupper presented a power point. The presentation included the total funding for each the Highway and Transit projects in the DRAFT FFY 2016-2019 TIP.

Mr. Tupper clarified Highway vs Transit funding fluctuations through the years. We are currently spending more on Transit; he explained that there are different pots of money. The money that comes in the Highway comes in from the Federal Highway Administration, MassDOT and additional funds. The Federal Transit Authority funds Transit projects. They both fall under MassDOT but different funding sources on the Federal side.

A discussion with Mr. Cakounes and Mr. Cannon regarding the Chatham project ensued. Mr. Cannon explained that if the funds could be carried into the next year, it would be a different situation. If we don't use the funds, we lose them, and these discussions have taken place. Mr. Tuxbury asked if MassDOT could make an arrangement and mentioned Kimco. Ms. Haznar stated that there is a regimented ROW process strictly guided by state and federal guidelines. Because Kimco threw out a number of approx. \$2 million it should not be taken at value. Mr. Merservey asked why if we are tied to the money, why are we holding all these exercises? Mr. Cannon stated that these projects are developed over years and for the Town to make commitments, they need to have assurance that a project is going to be built. Mr. Mohler stated that we cannot get into ROW negotiations at a public meeting.

Upon a motion to approve the 2016-2019 Transportation Improvement Program (TIP) by Pam Haznar, second my Sims McGrath, the vote was passed unanimously.

Bryan Pounds pointed out to the MPO that the Mashpee project is split between 2019 and 2020. In the year 2020 the region gets close to \$20 million. If we are proposing to move up Buzzards Bay, then 2020 will consist of Buzzards Bay and \$2 ½ million of Mashpee.

Ms. Seldin asked where the commuter rail is addressed in the RTP. Mr. Tupper stated that it is a different funding source.

**2016 - 2040 Regional Transportation Plan (RTP) Development Public Comments Reviewed:** *The Metropolitan Planning Organization (MPO) will review and consider all public comments relative to the 2016-2040 Regional Transportation Plan received during the public comment period June 15-July 15 2015. - Steve Tupper, Cape Cod Commission Technical Services Planner*

Mr. Tupper reviewed the public comment summary grid.

Mr. McGrath referenced the comment on pg. 2 with regard to congestion management. It states that the Congestion Management Plan is in the process of being updated to bring to conformation with FHWA's guidance. Is the purpose to incorporate that with this document? Mr. Tupper said yes. We would be voting on the recognition that we are in the process of making those updates. Mr. McGrath asked if it would come to the body at that time. If not could the language reflect that, please? Staff agreed

Mr. McGrath indicated that there should be a link from comment #7 and a section of comment #15 because senior citizens are such a large present of our population, which is a relatively unique demographic and should be a consideration.

Ms. Haznar asked about the flexibility in project time lines. For example, the Cape Cod Rail Trail Extension, Barnstable to Bourne. What if the Town decides to advance design before 2036. Mr. Tupper stated that the document is revised every 4 years as has opportunity for amendment if need be.

Mr. Cakounes asked about the Roadway Safety at 9% of funding. He asked if we are spending more on road projected safety earlier or later. Does chart show consistency throughout time? Mr. Tupper stated that yes they are, however there may be fluctuations throughout the time bands.

Mr. Cakounes stated that based on comments made on the nuclear power plant and global warming, he feels that we should use cautioned addressing climate change as this document is a transportation plan. It was suggested to use the Terminology Sea Level Rise and Mr. Tupper stated that the document was changed to reflect the term Coastal Resiliency.

**2016 - 2040 Regional Transportation Plan (RTP) Development:** *Vote of the Metropolitan Planning Organization (MPO) whether or not to endorse the Regional Transportation Plan. The Regional Transportation Plan is a long-range twenty-five (25) year transportation plan for Cape Cod. - Steve Tupper, Cape Cod Commission Technical Services Planner*

Mr. Tupper presented a power point. The presentation included the RTP development schedule, document outline, vision statement, goals, objectives, performance measures, strategies and policies. It also included the estimated funding, programming of highway regional discretionary funds, highway regional discretionary projects within financial constraint, funding allocation and the approximate distribution of the RTP funds.

Upon a motion to endorse the 2016-2040 Regional Transportation Plan (RTP) and make the changes as discussed today by Robert Weinstein, second by Sims McGrath, the vote was passed unanimously.

## **Reports and Other Information**

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

Ms. Haznar gave the following MassDOT updates:

The bids were opened for the Cape Cod Rail Trail Extension, Dennis/Yarmouth on July 14 and the low bidder has not been assigned yet.

Brewster, 6A the notice to proceed was issued on July 10 to Lawrence Lynch.

Bids opened June 23, 2015 for the Rte. 28 Bourne resurfacing project, but a low bidder has not yet been determined.

CCRTA has no updates.

## **Adjourn**

Upon a motion to adjourn at 3:45 by Sims McGrath, second by Patrick Ellis, the vote was passed unanimously.

## **Documents and Exhibits Used/Received:**

Agenda, July 20, 2015

DRAFT Minutes, June 15, 2015

Self-Certification Compliance Statement for Metropolitan Planning Organizations

FFY 16, UPWP Public Comments

FFY 16, UPWP Power Point

July 17, 2015 DRAFT UPWP

2016-2019, TIP Public Comments

2016-2019, TIP Power Point

2016-2019 TIP Summary Sheets

June 17, 2015 DRAFT TIP

216-2040 RTP Public Comments

2016-2040 RTP Power Points

2016-2040 DRAFT RTP