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CAPE COD
COMMISSION

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Minutes

Meeting

Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers
3195 Main Street, Barnstable, MA 02630

August 31, 2017

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	Absent
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Len Short	✓
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓ (<i>arrived at 3:10 p.m.</i>)
Governor's Appointee	Michael Maxim	✓

The meeting of the Cape Cod Commission was called to order on Thursday, August 31, 2017 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

SUMMARY OF ACTIONS TAKEN/VOTES:

Approval of Minutes: The minutes of the July 20, 2017 Commission meeting were approved by a unanimous vote.

Public Meeting: Town of Eastham's Proposed District of Critical Planning Concern Nomination for Consideration:

Following presentations, public testimony and discussion, the Commission deliberated on the Town of Eastham's proposed District of Critical Planning Concern (DCPC) Nomination for consideration. Following deliberation, the Commission voted unanimously to adopt the draft written decision accepting the Town of Eastham's DCPC Nomination for consideration.

■ MINUTES

The minutes of the July 20, 2017 Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Richard Roy seconded the motion and vote called on the motion passed with a unanimous vote.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said an amendment to the Commission's Growth Incentive Zone (GIZ) regulations will be before the Commission at its meeting on September 14. He said the Commission is looking for the ability to extend the term for six months if needed. He said the Executive Committee has begun the process of looking at thresholds in the Commission's Enabling Regulations as part of the Regional Policy Plan update. He said the Commission is interviewing for the Environmental Economist position, the FY19 process has begun, the County Commissioners are still reviewing early retirement and they are working on legislation for that. He said the Clean Water Act Section 208 Area-wide Water Quality Management watershed report is out for comment until September 18 and following that it will go to the Environmental Protection Agency and Department of Environmental Protection for approval.

■ TOWN OF EASTHAM'S PROPOSED DISTRICT OF CRITICAL PLANNING CONCERN NOMINATION FOR CONSIDERATION

Chair Harold Mitchell said the Commission will hear presentations by the Town of Eastham on its proposed District of Critical Planning Concern Nomination (DCPC) for consideration. He said following presentations by the Town and Commission staff, the Commission will discuss and vote whether to accept or reject the Town of Eastham's DCPC Nomination for consideration.

Paul Lagg, Eastham Town Planner, said also here today are Selectmen William O'Shea and Aimee Eckman and Jacqueline Beebe, Eastham Town Administrator. He said over the past year Eastham has seen increased development activity, several small-scale projects have been approved, Dollar General has a proposal for a 9,100-square foot store, and there has been an increase in housing residences. He said Eastham's zoning did not anticipate this type of development and a moratorium on development will give the Town time to look at its zoning and development. He said Route 6 serves as Eastham's Main Street and the area that falls within the DCPC is only a 2.5-mile corridor. He said between this stretch is a heavily travelled roadway, there are over 100 curb-cuts, there are no sidewalks, 105 crashes were reported between 2012 and 2014 and these are some of the reasons why a moratorium on development is paramount. He said the DCPC will give the Town time to look at this, Eastham is known as the Gateway to the Cape Cod National Seashore, it's also a bridge that links the lower Cape with the upper Cape, and the DCPC will remove the threat of further increased development. He asked that the Commission support and accept the Town's nomination for consideration.

Sharon Rooney, Chief Planner at the Commission, noted that the Commission received two letters of support this week from Lucinda Quinn and Carol and Lawrence DiBona. With the use of PowerPoint slides she referred to Section 10 of the Cape Cod Commission Act and said the Commission may propose designation of certain areas which are of critical value to Barnstable County that must be preserved or maintained due to one or more factors: the presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of regional, statewide, or national significance; the presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or the presence or proposed establishment of a major capital public facility or area of public investment. She said Eastham's resources of concern are: Route 6 a heavily travelled federal/state highway; recent approval for a \$130 million public water supply system; the town's primary commercial area; suitable development of affordable housing; and Salt Pond nitrogen-

impacted sub-embayment. Ms. Rooney said a DCPC designation allows the town to take a “time-out” to plan comprehensively without pressure of pending development permits; the town can adopt special rules and regulations to protect resources within the District; an extensive public hearing process allows public input in development of local regulations; and activities that are not detrimental to the purposes would be allowed to proceed during the designation process. She said Eastham’s proposed District Boundaries are the Route 6 corridor from Old Orchard Road to the Wellfleet town line; it encompasses approximately 280 acres and 2.9 acres of open water; it’s in the Town’s primary commercial area; and is in the North Eastham Overlay District. Ms. Rooney explained the type of Districts proposed for Eastham as an Economic or Development Resource District, an Affordable Housing Resource District, and a Transportation Management District. Ms. Rooney explained the DCPC process and said today the Commission is being asked to vote whether to accept or reject Eastham’s DCPC nomination for consideration. She said if the Commission votes to accept the DCPC nomination for consideration a limited moratorium on development begins, the Commission will hold public hearings on the proposed nomination, the Commission votes whether to propose a DCPC designation to the Assembly of Delegates (AOD), the AOD holds public hearings and votes whether to designate the DCPC as a District by County Ordinance. She said following the designation of a DCPC District by County Ordinance, Eastham would have 12 months to develop implementing regulations. Ms. Rooney said the action needed today by the Commission is a vote whether to adopt the draft written decision accepting the Town of Eastham DCPC for consideration.

John Harris said if this will allow the Town time to address transportation and safety issues what is the town doing and will the state be involved. He said perhaps a bypass should be considered.

Glenn Cannon, Director of Technical Services at the Commission, said a number of steps can be taken such as working with Town boards, looking at the Town’s zoning, and looking at curb-cuts and intersections; everything is on the table. He said the state would be involved and the type of roadway in Eastham today could no longer be constructed through the Massachusetts Department of Transportation (MassDOT) because it’s an old roadway design.

Aimee Eckman, Eastham Selectman, said several years ago when she was a member of the Metropolitan Planning Organization (MPO) they talked about how four-lane roadways are no longer being built. She said Eastham needs to have a “road diet” by removing four lanes and making them into three lanes. She said this past summer four people were med-flighted off Route 6 because of accidents, curb-cuts are very risky and there are only three crosswalks in Eastham. She said the Town needs the Commission’s help with this problem.

Jacqueline Beebe, Eastham Town Administrator, said the Town has asked the state to get involved. She said there are only three traffic lights along this corridor. She said the Town asked MassDOT to look at Eastham’s intersections and they asked that the crosswalk lights stay on for a longer time. She said it was a major production and MassDOT doesn’t really understand. She said the Town doesn’t have the capacity to do this and the Town needs the Commission’s expertise and assistance. She asked for the Commission’s support.

William O’Shea, Eastham Selectman, said the need for Eastham to have the time to solve this problem is evident. He asked for the Commission’s support to have time to do this.

David Schrope, citizen of Eastham, said Eastham faces critical crashes. He said a bypass would be workable as suggested by Mr. Harris and the Town needs this process to do that. He said Dollar General brings in a tremendous amount of traffic and what will happen to Eastham if the store fails; it will remain empty. He said from a marketing standpoint there is a high probability they will fail, the product can be found elsewhere and it’s not essential to the Town.

John Harris asked if a survey had been formulated to go out to residents asking them what they want. He said the results will show positive and negative input. William O’Shea said the Town has formed a Strategic Planning Committee to do a comprehensive strategic plan and they plan to have a dashboard on their website. He said they have thought about that and they will be holding their first meeting in September.

Royden Richardson said he has seen community groups come forward, it brings in people thinking about the issues and the Commission should move ahead on this.

Kevin Grunwald said he commutes every day in this area so he understands the problem, there are a lot of curb-cuts and it’s not just a summer problem it’s a year-round problem. He said this application will help with good design, he strongly supports the Town’s nomination and said more could be done with traffic enforcement.

Jacqueline Etsten said any changes to Route 6 will be extremely expensive and MassDOT should prioritize this project. She said we need to integrate MassDOT and the Commission's policies and said she agrees with Mr. Grunwald on the design aspect. She said they may not be able to stop all the development but if it looks good it takes the sting out. She said architectural design is important.

Joy Brookshire said it's about time the DCPC is going through. She said Walter Ross came up with a plan in the past and the Town should look at that.

Michael Skelley said he is not opposed to this but this is a political and economic problem. He said State Representatives should take leadership on this, there needs to be representation in the legislature, and their budgets need to be squeezed to get roads built. He said the Town needs to get the attention of the legislature and congress to get this into their budget.

Royden Richardson said in life there are more important things than money and we can't use money as an excuse. He said there is a lack of lights on roadways on the Cape.

Len Short said he believes the Town hasn't sold the Commission on this whole concept. He said the Town needs to get the Commission's attention. He said he supports the nomination.

Chair Harold Mitchell said today's acceptance of the nomination for consideration would allow the Town to move forward.

Joy Brookshire said Eastham is asking for technical assistance to allow the Town to do its research and come back to the Commission.

Roger Putnam said Route 6 used to be three lanes in Wellfleet then it had to go down to two lanes. He said he supports approving the nomination.

Jack McCormack said today is the first of several steps in the process. He said the Commission will be holding public hearings on the DCPC and that will be the time to hear and discuss any issues. Mr. McCormack moved to adopt the draft written decision accepting the Town of Eastham's District of Critical Planning Concern Nomination for consideration, Elizabeth Taylor seconded the motion, and a vote called on the motion passed with a unanimous vote.

■ **NEW BUSINESS:** *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*

No new business was taken up.

A motion was made to adjourn at 3:55 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Elizabeth Taylor, Secretary

List of Documents Used/Presented at the August 31, 2017 Commission Meeting

- Handout material: August 31, 2017 Commission meeting agenda.
- Handout material: July 20, 2017 Draft Commission meeting minutes
- Handout material: Acceptance of the Town of Eastham District of Critical Planning Concern Nomination for Consideration Cape Cod Commission Decision.
- Material Presented: PowerPoint presentation on the Town of Eastham District of Critical Planning Concern by Commission staff.