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CAPE COD
COMMISSION

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Minutes

Workshop Meeting Cape Cod Commission Cape Cod Commission • Large Conference Room 3225 Main Street, Barnstable, MA 02630

November 29, 2018

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

Town	Member	Present
Barnstable	Fred Chirigotis	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓ (left at 4:20 p.m.)
Yarmouth	John McCormack, Jr.	Absent
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	Absent
Native American Rep.	David Weeden	✓ (arrived at 3:20 p.m)
Governor's Appointee	Michael Maxim	✓

The Cape Cod Commission Workshop Meeting was called to order on Thursday, November 29, 2018 at 3:00 p.m. in the Cape Cod Commission, Large Conference Room, 3225 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

- **Approval of Minutes:** The minutes of the October 18, 2018 Cape Cod Commission meeting were unanimously approved. The minutes of the November 1, 2018 Cape Cod Commission meeting were approved with 11 votes in favor and one abstention (Charles McCaffrey).
- **Amendment to the Cape Cod Commission member document “A Proposal for the Selection of Officers of the Cape Cod Commission”:** Commission staff and members discussed amendments to the document that would change the term of the Commission Chair, Vice-Chair and Secretary from one-year terms to two-year terms. Following discussion, the Commission voted unanimously in favor of accepting and approving the amendments to the document “A Proposal for the Selection of Officers of the Cape Cod Commission.”
- **2018 Regional Policy Plan Comment Review:** Commission staff provided an overview of comments received during the public comment period on the draft 2018 Regional Policy Plan (RPP) and following the overview, Commission members and staff discussed amendments to the RPP in response to the public comments. A vote by the Commission to modify the document to reflect today’s presentation and discussion passed with a unanimous vote. Commission members then directed staff to prepare a final RPP that will be voted by the Commission at its meeting on December 13 and forwarded to the Assembly of Delegates for adoption.
- **Technical Bulletins Review and Potential Release for Public Comment:** Commission staff provided an overview of the draft technical bulletins to the draft 2018 Regional Policy Plan Update. Following presentations and discussion, the Commission voted unanimously in favor of beginning the 30-day public comment period on the draft technical bulletins to the 2018 RPP Update on November 29, 2018.

■ MINUTES

The minutes of the October 18, 2018 Cape Cod Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Elizabeth Taylor seconded the motion and a vote called on the motion passed by a unanimous vote.

The minutes of the November 1, 2018 Cape Cod Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Richard Roy seconded the motion and a vote called on the motion passed with 11 votes in favor and one abstention (Charles McCaffrey).

■ EXECUTIVE DIRECTOR’S REPORT

Executive Director Kristy Senatori provided the following report:

- Colleen Medeiros will be joining Commission staff as a Traffic Engineer/PE on December 4th. She said Ms. Medeiros’ previous experience includes being a senior project engineer on both the Falmouth Transportation Master Plan and the Marstons Mills Village Center Improvements Plan.
- Commission staff attended a meeting on the water quality monitoring program for the Massachusetts Water Resources Authority (MWRA) outfall pipe to discuss what, if any, changes may be needed to the program in response to environmental changes due to climate change.
- Commission staff will be meeting with the town planners’ group next week to provide an update on the Draft 2018 Regional Policy Plan.
- The Barnstable County Economic Development Council and the Cape Cod Commission are holding a stakeholder workshop for the Comprehensive Economic Development Strategy (CEDS) Update in January. Leaders from across the region representing business, education, government, and non-profit interests will be invited to attend.
- Towns were invited to participate in the Regional Harbor Assessment project kickoff meeting on Monday. The goal of the project is to illustrate the economics value of municipal harbors and to help towns explain the need for dredging and capital improvement funding to communities and funders. The four pilot towns are Chatham, Dennis, Falmouth, and Provincetown.
- The Smarter Governance Steering Committee met on Wednesday to discuss the regional flyover, programs and an annual work plan.
- Commission staff Tom Cambareri and Jen Clinton will present at the Cape Coastal Conference on December 4th and 5th hosted by the Waquoit Bay Estuarine Research Reserve.

- The Army Corps of Engineers will be holding five public information meetings in December on the Cape Cod Canal Bridge Study.

■ **AMENDMENT TO THE CAPE COD COMMISSION MEMBER DOCUMENT "A PROPOSAL FOR THE SELECTION OF OFFICERS OF THE CAPE COD COMMISSION"**

Jessica Wielgus, Commission Counsel, said the document is being amended as a result of the request by Commission members at its workshop/meeting in June. Ms. Wielgus reviewed proposed amendments in the document "A Proposal for the Selection of Officers of the Cape Cod Commission" and said the terms of Chairman, Vice-Chairman and Secretary are being changed from one-year terms to two-year terms. She said the amendment was brought to the Commission's Executive Committee and a vote by the Commission today enables the request to go forward in changing the terms of Chairman, Vice-Chairman and Secretary from one-year terms to two-year terms.

Ernest Virgilio said there should be a transition period and suggested that there be a process for a transitional period from existing officers to newly elected officers. Jessica Wielgus said a transition period can take place from the time the new officers are appointed in May and said there would be a two-month period for that. Chair Harold Mitchell said the Commission does have a transition period in that the existing officers sit on the Executive Committee.

Jessica Wielgus said there is no limit for the existing Chair and Vice-Chair and if the Nominating Committee deems that special circumstances warrant continuity in those offices, it may recommend re-nomination for additional terms for either or both positions. She said the Secretary is eligible for succession.

Ernest Virgilio said nominations can also be made on the floor at the time of the election at the Commission meeting.

Richard Conron moved to accept amendments to the document "A Proposal for the Selection of Officers of the Cape Cod Commission" as amended, Richard Roy seconded the motion and a vote called on the motion passed by a unanimous vote.

■ **2018 REGIONAL POLICY PLAN REVIEW**

Kristy Senatori said the 60-day comment period ended on November 19 and today Commission staff will provide an overview of the comments received. With the use of PowerPoint slides she provided an overview of the timeline and said a draft plan was released for public comment on September 21, the comment period ended on November 19, at its meeting on December 13 the Commission will consider submitting the plan to the Assembly of Delegates and in January 2019 the Assembly of Delegates will hold a hearing and vote on adopting the plan by County ordinance. Ms. Senatori said sub-regional hearings were held; meetings were held with Boards of Selectmen and Planning Boards; there were meetings with town staff; Commission staff presented to the Assembly of Delegates, selectmen and town councilors and town planners; and stakeholder meetings. She said more than 135 comments were received.

Heather McElroy, Natural Resources/Land Protection Specialist at the Commission, provided an overview of comments that focused on balancing the environment and economy; a changed framework for regulatory review; identification of climate change mitigation as a regional priority; regional, sub-regional, and local characterization; placetypes; and process and support.

Jessica Wielgus said Commission members have been given all comments the Commission received as well as the spreadsheet categorizing the comments.

Elizabeth Taylor asked how the comments would be incorporated. Heather McElroy said Commission staff have been processing the comments and said the comments started coming in about two months ago. She said some have already been incorporated into the technical bulletins and they will be in some sections of the Regional Policy Plan (RPP).

Kevin Grunwald said he attended a sub-regional hearing and was surprised at the consistency of comments; he said people are invested in this Plan. He said staff has done a great job categorizing the documents.

Richard Conron said based on the comments received will there be tougher regulations to address climate change and questioned whether the Plan was adequate enough. Heather McElroy said the Plan is adequate, there is no need to change the goals and to some extent the objectives have been changed and they were presented to the RPP

subcommittee when they were being reviewed. Mr. Conron asked under the Plan will economic development be easier. Ms. McElroy said it may not be easier but not harder.

Elizabeth Taylor said this Plan is for Development of Regional Impact (DRI) review. Kristy Senatori said this is also a planning document and said economic development is addressed in many Commission documents. Heather McElroy said the RPP is the guiding document with goals that come from the Cape Cod Commission Act. She said Commission staff are working to revise Local Comprehensive Plan (LCP) regulations for towns to create LCPs at the local level. She said the Commission also provides technical assistance to towns.

Charles McCaffrey questioned whether a document responding to public comments has been considered. Cheryl Andrews said it could be done by categories. Kristy Senatori said some of the comments have been addressed in the amended draft document.

Len Short said the RPP is very comprehensive and he has concerns about leadership at the local level and perhaps more leadership from the Commission or the County is needed to help leadership at the local level. Cheryl Andrews said there is pressure on towns for more development and building but if the Commission doesn't add muscle at the same time it begs the question of whose gaining. Kristy Senatori said from a regulatory standpoint the Commission sees a limited percent of the development. She said once the RPP is completed and approved the Commission will need to look at those projects.

David Weeden said there was a study done by Mashpee on development saturation and his concern is the sole source water supply. He said when do we say too much development. He said with growth incentive zone areas going higher in development in a concentrated area only minimizes sprawl in other areas. He said he is concerned about rivers and ponds. Heather McElroy said the Commission has multiple ways of addressing that. She said even though there is focus in concentrated areas, the water resources technical bulletin will help to look at new development as will the Section 208 Plan and said it will come down to the threshold question. Tom Cambareri, Water Resources Program Manager at the Commission, said in the RPP the main goal is to sustain a high quality of drinking water supply and marine and freshwater bodies. He said the Commission is working at many different levels on that, water quality is a main fundamental standard and the Commission's standards are very exacting in Commission reviews in critical areas. He said the RPP embraces every tool the Commission has for drinking water protection and water resources.

Charles McCaffrey said the RPP could envision more development if it complies with the standards and said it appears that we are trying to move toward that. He said regulatory change to development of regional impact (DRI) review can guide growing development if it's done in ways that envision a plan with DRIs.

Ernest Virgilio said the Commission has spent many years reaching the goals, the Commission has done a great job and everything the Commission is involved in is much better.

Roger Putnam moved to direct Commission staff to modify the draft RPP to incorporate the ideas made by today's presentation. Ernest Virgilio seconded the motion and vote called on the motion passed with a unanimous vote.

Jessica Wielgus explained the statutory timeframe and the requirement of putting forward a vote by the Commission on December 13, 2018 of whether to forward the Plan to the Assembly of Delegates.

Kristy Senatori said Commission staff can bring the RPP back to the Commission at its meeting on December 13 or they can come back with a redline version for the RPP subcommittee to look at next Thursday, December 6. Roger Putnam said he would ask staff to prepare the final RPP to go the Assembly of Delegates; the Commission should go with what we have. Chair Harold Mitchell said Commission members will receive materials for the December 13 Commission meeting that will be voted on at that time. Ms. Senatori said a clean copy of the RPP will be given to Commission members before the December 13 Commission meeting.

Ernest Virgilio inquired about the process. Jessica Wielgus said after the Commission's vote on December 13, the RPP will be forwarded and taken up at the Assembly of Delegates for adoption, it will then go to the County Commissioners for a vote and then the RPP becomes effective within 30 days of that adoption.

■ TECHNICAL BULLETINS REVIEW AND POTENTIAL RELEASE FOR PUBLIC COMMENT

Jessica Wielgus said the RPP subcommittee has been reviewing the draft technical bulletins for several months. With the use of PowerPoint slides she said the purpose of the technical bulletins is to clarify how goals and objectives of the RPP are to be applied and interpreted in Commission DRI project review and to present a range of methods by which a project can meet the goals and objectives of the RPP. She said the three systems that come out of the RPP are Natural Systems, Built Systems and Community Systems and she explained the goals and objectives for issue areas within each of the three systems. Ms. Wielgus explained Placetypes and said the project context, as defined by the Placetype of the location—natural areas, rural development areas, suburban development areas, historic character areas, maritime areas, community activity centers, industrial activity centers, military and transportation areas—provides the lens through which the Commission will review the project under the RPP. Ms. Wielgus said the Commission will use Resource Maps to help make the determination of consistency with the RPP.

Steve Tupper, Transportation Program Manager at the Commission, said all of the technical bulletins follow the same general structure and said the summary of methods section provides the goal (from the RPP); the objectives (from the RPP); methods (the technical guidance) and Placetypes and Resource Areas (how the methods are applied). He said the structure of the technical bulletins include an introduction, summary of methods, detailed methods, application materials, definitions and references and resources. Mr. Tupper then gave an example of a streamlined regulatory approach to a transportation project.

Chloe Schaefer, Community Design Planner at the Commission, provided an overview of the Data Viewer which provides layers of data by technical bulletin with curated maps based on the technical bulletins. She said the goals and objectives are listed and they are all grouped by technical bulletin data view, systems data view and all data view.

Jessica Wielgus said the RPP subcommittee has reviewed all 14 technical bulletins; as they have been reviewed, they have been uploaded to the Commission's website and the RPP subcommittee's amendments have been made to the technical bulletins. She said today the Commission is being asked to vote on the 30-day comment period for the technical bulletins and today's vote will begin the 30-day public comment period. She explained the technical bulletin review timeline and said on November 29 the 30-day public comment period opens; a technical bulletin presentation will be made to the Commission at its meeting on December 13; there will be a public hearing on the technical bulletins on January 3, 2019 and the Commission will review and potentially vote on the technical bulletins at its meeting on January 10, 2019.

Chair Harold Mitchell thanked Commission staff and the RPP subcommittee and said a lot of work has been done by staff and the subcommittee.

Elizabeth Taylor moved to begin the 30-day public comment period on the draft technical bulletins to the 2018 Regional Policy Plan update, the motion was seconded by Richard Roy and the motion passed with a unanimous vote in favor of beginning the 30-day public comment period.

A motion was made to adjourn at 4:40 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/Presented at the November 29, 2018 Commission Meeting

- November 29, 2018 Cape Cod Commission Meeting Agenda.
- Draft minutes of the October 18, 2018 and November 1, 2018 Cape Cod Commission meeting.
- Draft amendment to "A Proposal for the Selection of Officers of the Cape Cod Commission"
- PowerPoint slide presentation on the Draft 2018 Regional Policy Plan and Technical Bulletin Structure.