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CAPE COD
COMMISSION

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Minutes

Meeting Cape Cod Commission Innovation Room • Barnstable County Complex 3195 Main Street, Barnstable, MA 02630

October 4, 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	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
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	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓
Governor's Appointee	Michael Maxim	Absent

The Cape Cod Commission Meeting was called to order on Thursday, October 4, 2018 at 3:00 p.m. in the Innovation Room, Open Cape Building, 3195 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

- **Approval of Minutes:** The minutes of the September 20, 2018 Cape Cod Commission meeting were unanimously approved.
- **Public Hearing: Eastham District of Critical Planning Concern (DCPC) Proposed Amendments to the Eastham Corridor Special District Implementing Regulations:** Following presentations, public testimony and discussion, the Commission deliberated on the Eastham DCPC Proposed Amendments to the Eastham Corridor Special District Implementing Regulations for consistency with the Cape Cod Commission District Guidelines set forth in its decision on October 12, 2017. Following deliberation, the Commission found and voted unanimously that the Proposed Amendments to the Eastham Corridor Special District Implementing Regulations are consistent with the District Guidelines for the Eastham DCPC to authorize the Commission Chair to sign a Certificate of Consistency.

■ MINUTES

The minutes of the September 20, 2018 Cape Cod Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Len Short seconded the motion and a vote called on the motion passed with a unanimous vote in favor of approving the minutes.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Kristy Senatori reported on:

- Katie Evans, a new Americorps member, will be assisting towns with updating stormwater system maps and compliance with the new MS4 permit.
- The Southeast New England Program (SNEP) grant award was announced at Massachusetts Maritime Academy on September 24th. She said Restore America's Estuaries awarded a \$400,000 SNEP Watershed Grant to the Commission and its partners, the Association to Preserve Cape Cod, Center for Coastal Studies, UMass Dartmouth School for Marine Science and Technology, Waquoit Bay National Estuarine Research Reserve and Woods Hole Oceanographic Institution.
- Ms. Senatori attended the Net Zero Cape and Island roundtable event which was hosted by the Cape Cod Climate Change Collaborative on Thursday, September 27th. The event brought together leaders in the climate change arena to share success stories, set goals, pool resources, and expand a collective sense of the possibility in achieving a region powered by renewable energy.
- On Tuesday she attended the first Advisory Committee meeting for the State of the Waters: Cape Cod Project.
- Commission staff provided the Assembly of Delegates a presentation on the Regional Policy Plan (RPP) Update at their meeting on October 3rd.
- The RPP public hearings begin next Thursday, October 11 at 4:00 pm at the Sandwich Town Hall; October 17 at 1:00 pm at the Truro Public Library and October 24 at 6:00 p.m. at the Cape Cod and Islands Association of Realtors in West Yarmouth.
- Commission staff met with town planners to present and discuss the draft RPP on September 27th.
- Barnstable County Economic Development Council held its quarterly meeting on October 1st and the Council voted to create a Comprehensive Economic Development Strategy (CEDS) subcommittee which will convene this fall to develop and implement the community outreach process and a stakeholder meeting is planned for December.
- The Commission submitted a draft vision and action for Bourne's economic development section of their Local Comprehensive Plan.
- Leslie Richardson, Chief Economic Development Officer, will facilitate a training as part of the Cape Housing Institute on how to use available data and information to tell a story about a community's local economy.

■ EASTHAM DISTRICT OF CRITICAL PLANNING CONCERN PROPOSED AMENDMENT TO THE EASTHAM CORRIDOR SPECIAL DISTRICT IMPLEMENTING REGULATIONS

Chair Harold Mitchell opened the public hearing at 3:10 p.m. He said the Commission will hear presentations, take public testimony and potentially vote on whether proposed amendments to the Eastham District of Critical Planning

Concern (DCPC) Eastham Corridor Special District Implementing Regulations are consistent with the Cape Cod Commission District Guidelines set forth in its decision on October 12, 2017.

Paul Lagg, Eastham Town Planner, said he is here today to talk about proposed amendments to date. He said the Town of Eastham discovered there was a need for minor modifications and to provide clarity to the language in the Eastham DCPC Implementing Regulations for the Eastham Corridor Special District. He said most of the changes are minor in nature and more substantive changes deal with how to deal with non-conforming structures with projects that could come in and to tighten up the language. He said minor changes deal with landscaping and curb cuts. He asked for the Commission's approval of the proposed amendments before the Commission today.

Martha Hevenor, Commission Planner, with the use of PowerPoint slides provided a procedural history on the Eastham DCPC and said on December 5, 2017 the Assembly of Delegates designated the Eastham DCPC by County Ordinance; on May 3, 2018 the Commission voted that proposed Implementing Regulations were consistent with the guidelines set forth for the Eastham DCPC; on May 7, 2018 Eastham adopted the Implementing Regulations at Town Meeting; on September 7, 2018 Eastham sends the proposed amendments to the Commission and on October 11, 2018 Eastham will be holding a Special Town Meeting to vote on the proposed amendments. Ms. Hevenor said today the Commission is being asked whether the proposed Eastham DCPC Implementing Regulations as amended conform to the Guidelines for the District. She said the District Guidelines are (1) to adopt appropriate site layout and design standards to achieve traditional village style development; (2) to adopt regulations to encourage creation of a range of affordable housing; (3) to incorporate best management practices to reduce stormwater impacts to water resources; (4) to promote interconnectivity between properties to improve access for bicyclists, pedestrians, and motorists and (5) to develop a transportation management plan to address the deficiencies on U.S. Route 6, including adequate pedestrian and bicycle accommodations, access management, intersection safety as well as safety along the corridor.

Ms. Hevenor explained the proposed amendments and said: (1) they added clarification when changes to site or building area trigger review; (2) they added clarification that changes that do not qualify for Minor Site Plan Review may apply for Major Site Plan Review; (3) they changed landscape "buffer" requirements to "landscaped area;" (4) they reduced front landscape area requirement for pre-existing sites where building is within 30 feet of road right-of-way; (5) they made minor changes to landscaping standards, added curb cut with standards, added residential parking standards and (6) they added a requirement for Planning Board determination that all Eastham Corridor Special District standards are met for Major Site Plan approval and Special Permit approval. Ms. Hevenor said the Commission found the original Implementing Regulations are consistent with the District Guidelines, the proposed amendments are not material changes and the Implementing Regulations are still consistent with the Guidelines. She said today the Commission is being asked to vote to find that the proposed Implementing Regulations as modified for the Town of Eastham DCPC are consistent with the Guidelines for the District and to authorize the Commission Chair to sign a Certificate of Consistency.

Cheryl Andrews asked if this fails at Town Meeting does the Town still have the DCPC without amendments. Jessica Wielgus, Commission Counsel, said yes. She said if the amendments are not approved at Town meeting, the Town could come back to the Commission.

Ernest Virgilio asked who would be providing an explanation at Town Meeting and questioned whether there would be support from the Commission. Paul Lagg said he would be presenting the proposed amendments at Town Meeting. Martha Hevenor said if the Commission votes approval today, that would show support from the Commission.

Roger Putnam moved that the proposed amendments to the Implementing Regulations for the Eastham Special Corridor District, as presented, are consistent with the District Guidelines and the Commission authorize the Commission Chair to sign a Certificate of Consistency. Len Short seconded the motion and a vote called on the motion passed with a unanimous vote.

■ PRESENTATION ON COMMUNITY RESILIENCY BY DESIGN

Heather Harper, Affordable Housing/Community Design Planner at the Commission, said the Commission received a Planning Assistance Grant from the Massachusetts Department of Energy and Environmental Affairs in 2018 to develop model housing designs for compact development in collaboration with Union Studio and three towns on Cape Cod—Eastham, Orleans and Falmouth. She explained the different phases of the project as community workshops, a

visual preference survey, moderate density prototypes, neighborhood renderings, designing 3D models, form-based code/framework, and builders' roundtable/development pro-forma. Ms. Harper discussed single family homes, the consequences of sprawl, the percentage of each town's potentially developable land in special flood hazard areas, the demand for seasonal homes, and market demand for Barnstable County. She discussed the Community Resiliency by Design workshop series and said it will begin community conversations around strategies and techniques for meeting the increasing demand for housing on Cape Cod. She said each community has recently completed studies that identify areas where new housing types would be appropriate—in Eastham: Route 6/Brackett Road Area; Orleans: Village Center; and Falmouth: Davis Straits Area. Ms. Harper said this will help to develop the framework for form-based regulations to assist town boards as they review new development proposals and help guide new development in ways that support the character of our community. She it will help to develop a series of moderate density prototypes based on local precedent and community input that could be used to address housing challenges in a variety of places on Cape Cod and in each community. She discussed middle housing, gentle density, and the visual preference survey and said over 600 responses were received. She said upcoming workshops will be held in Falmouth on October 23 at 6:30 p.m. at the Falmouth Town Hall and a joint workshop between Eastham and Orleans on October 25 at 7:00 p.m. at the Orleans Town Hall. Ms. Harper said Union Studio will be recommending their own neighborhood plan.

John Harris inquired about the format of the survey that was conducted and asked if it was check off yes/no or a narrative. Heather Harper said both.

David Weeden inquired about the lot size of the Eastham proposal. Paul Lagg said about 2-3 acres. Ms. Harper noted that the Town of Barnstable has also signed on to the project.

Cheryl Andrews said Provincetown has gone along with the same type of density development. She said people don't mind living close to one another when they don't know it—when they can't hear noise and vibration from others close by. Ms. Andrews said she appreciates the Commission's technical assistance to towns.

Jackie Etsten said dense housing design is important, it helps if everyone could have their own front door and higher density needs more common areas.

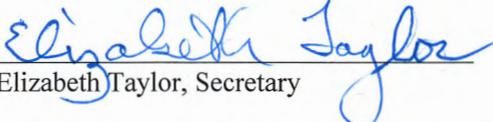
Jack McCormack said it's an exciting concept; zoning by form rather than zoning by use.

Fred Chirigotis referred to density and said as we move forward with wastewater how do we reduce the cost. Len Short said right now Orleans is looking at betterment costs; how to assign the cost of all of this for people who live in more dense areas of town versus people who live in rural areas.

■ **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 3:50 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/Presented at the October 4, 2018 Commission Meeting

- October 4, 2018 Cape Cod Commission Meeting Agenda.
- Draft Minutes of the September 20, 2018 Cape Cod Commission meeting.
- Draft Eastham Corridor Special District (DCPC) Regulations Proposed Amendments
- PowerPoint presentation on Eastham District of Critical Planning Concern Modification to Implementing Regulations
- PowerPoint presentation on Community Resiliency by Design