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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

February 22, 2018

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

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

The Cape Cod Commission Meeting was called to order on Thursday, February 22, 2018 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 was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

Approval of Minutes: The minutes of the December 14, 2017 Commission meeting were approved by a unanimous vote; the minutes of the January 11, 2018 Commission meeting were approved by a unanimous vote; and the minutes of the January 25, 2018 Commission meeting were approved with 10 votes in favor and two abstentions (Jacqueline Etsten and Mary Pat Flynn).

Public Hearing: Proposed Amendments to Chapter G/Growth Incentive Zone Regulations

Following presentations, public testimony and discussion, the Commission deliberated on proposed amendments to Growth Incentive Zone Regulations/Chapter G of the Code of Cape Cod Commission Regulations of General Application, Barnstable County Ordinance 05-13, as amended. Following deliberation a roll call vote on the motion to approve and submit proposed amendments to Chapter G/Growth Incentive Zone Regulations to the Assembly of Delegates for adoption by ordinance passed with seven votes in favor and five votes opposed (Elizabeth Taylor-No; Michael Skelley-Yes; Richard Roy-Yes; Joy Brookshire-No; Charles McCaffrey-No; Jacqueline Etsten-No; Chair Harold Mitchell-Yes; Kevin Grunwald-Yes; Roger Putnam-Yes; Mary Pat Flynn-Yes; John Harris-Yes; David Weeden-No). The motion passed with seven votes in favor and five votes opposed.

■ MINUTES

The minutes of the December 14, 2017 Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Michael Skelley seconded the motion and a vote called on the motion passed with a unanimous vote.

The minutes of the January 11, 2018 Commission meeting were reviewed. Richard Roy moved to approve the minutes, Kevin Grunwald seconded the motion and a vote called on the motion passed with a unanimous vote.

The minutes of the January 25, 2018 Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Joy Brookshire seconded the motion and a vote called on the motion passed with 10 votes in favor and two abstentions (Jacqueline Etsten and Mary Pat Flynn).

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Kristy Senatori thanked Commission members for their support during her transition. She said the Commission's FY19 budget has been reviewed by the Assembly of Delegates' Standing Committee on Natural Resources, the Assembly's Standing Committee for Economic Affairs has reviewed the Comprehensive Economic Development Strategy (CEDS) and they will be making their recommendations to the full Assembly. Ms. Senatori said the County is still waiting to move forward on the Early Retirement Incentive Program and said it will most likely happen sometime in the spring. She said the Commission is advertising for a water resources analyst position and the Commission received a resignation from Jeffrey Ribeiro, Regulatory Officer at the Commission, who has accepted an offer as Provincetown Town Planner.

Ms. Senatori said this is the last meeting the Commission will have in the Assembly of Delegates Chambers, the County's new meeting room will be completed sometime in the summer and Commission staff will let members know in advance where future Commission meetings will be held. Ms. Senatori said she will be attending Board of Selectmen meetings in all 15 Cape towns and she invited CCC members to attend the Selectmen's meeting in their town as well. She said one of her priorities is to complete the Regional Policy Plan (RPP) process within the next several months, the Commission is also looking at making changes to other regulations that will complement the RPP and today the Commission will be taking up amendments to Chapter G/Growth Incentive Zone Regulations.

■ PROPOSED AMENDMENTS TO CHAPTER G/GROWTH INCENTIVE ZONE REGULATIONS

Chair Harold Mitchell read the hearing notice and opened the public hearing at 3:10 p.m. He said the Commission will consider and potentially vote whether to submit proposed amendments to the Growth Incentive Zone Regulations/Chapter G, Barnstable County Ordinance 05-13, as amended, to the Assembly of Delegates for adoption by County Ordinance.

Jon Idman, Chief Regulatory Officer at the Commission, said over the past several years the Commission has looked at some of the concerns from the three towns that have Growth Incentive Zones (GIZs). He referred to the various Sections in Chapter G/Growth Incentive Zone Regulations and explained the proposed amendments to the regulations. He said explained changes to Section 1B—Purposes and said the regulations set out a process whereby the Cape Cod Commission and Cape Cod municipalities may coordinate efforts to identify and designate GIZs; Section 1E—Index and Mapping of Approved GIZ Designations is a new provision and he said the Commission will maintain a collective public index and map of the GIZ designations; in Section 2A—Application, Review and Decision-making Process there are changes to the process in that Selectmen or Town Council can put forward a GIZ; Section 3—Review and Approval Criteria provides a longer and more comprehensive approach with frequent check ins for performance measures and strategies; Section 4—Revised Development of Regional Impact (DRI) Thresholds is probably the most important to towns as it allows towns to come forward with a request to revise DRI thresholds and requests can apply to a portion of the GIZ and not the whole GIZ; he explained Section 5—Modification to GIZ Designation Decisions; he referred to Section 6—Duration and said GIZ designations now have a time limit and the new revisions would allow having a GIZ in perpetuity if it has not been revoked or rescinded; he said in Section 7—Revocation and Rescission if a town has failed to satisfy conditions or other obligations in the GIZ Designation Decision, the Commission would have the ability to recommend a revocation or rescission of a GIZ through a two-step process. He referred to public comment letters received today regarding the Hyannis GIZ and said they do not relate to the amendments before the Commission today.

Charles McCaffrey asked if during review of a GIZ application and criteria, would the Commission be looking at historic structures and if there were any within a GIZ, would those structures be protected. Jon Idman said the Commission would look at the type of development in that area and it would be the Commission's job during a review to see if the protection in place is adequate to protect those resources.

Jackie Etsten referred to page four, paragraph six and said it's inappropriate land use and the language should be expanded for a small area plan. She said she would like to see the regulations go back to the Committee on Planning and Regulation for more regulatory review and more design guidelines. She said the language should also refer to the Regional Policy Plan, the Commission Act, and Local Comprehensive Plans. Jon Idman said the document does have language that refers to design guidelines. He said those consistencies are referenced in Subsection D and depending on the type of designation, the Commission will have the ability to review those things. Charles McCaffrey said the language seems general, the regulations do not encompass that and questioned whether the Commission would be able to address those concerns.

John Harris said he appreciated receiving the red-line document. He said fences were lowered where they were no longer needed and he has no problem with the revisions that were made. He referred to comment letters sent to the Commission and asked if the Commission responds to them. Jon Idman said it is not common practice to reach out to those who have submitted letters and said a response is given to those who attend the public proceeding. He said he has tried to address some of the general issues and questions today.

Ralph Vitacco, Sandwich Town Planner, said upon reviewing the amendments Sandwich appreciates the evolution of the regulations and would ask for approval by the Commission.

Elizabeth Jenkins, Director of Planning and Development in Barnstable, thanked Commission staff for their support and effort. She discussed Barnstable's experience with their existing GIZ and said the process gives

them an opportunity to look at goals for the community in Hyannis. She discussed benefits Hyannis has received and said bench marking and measurement should be done toward community goals. She discussed duration and said not having a timeline would support the community better long term.

Felicia Penn, resident and former member of the Barnstable Planning Board, referred to a comment letter she sent to the Commission on February 20th. She said she would disagree with the purpose and premise for the document, it's a land use document not an economic development document and said the Commission has the Comprehensive Economic Development Strategy (CEDS) for that. She said by changing the purpose it dilutes the value of the GIZ, she would ask for incremental change not an abrupt change, and said the language is very arbitrary. She referred to and discussed various sections of the document and suggested changes be made to the language as she had outlined in her letter. She said she cares about land use and development in her community.

Fred LaSelva said he is a member of the Barnstable Planning Board but he is here today talking to the Commission as a private citizen. He said he would ask that the Commission stay in the business of protecting the Cape and asked that they not look at a watered-down/diluted Chapter G. He said what the Commission has done to protect Cape Cod validated his decision to move to the Cape. He said the Commission has the expertise and tools to help towns and he asked that the Commission continue to protect the people and the economy. He said we need the Commission to be stronger today than ever before and asked that the Commission make the GIZ regulations stronger or keep it as it is.

Jeff Swartz, resident of Centerville and member of the Barnstable Planning Board, referred to a letter by Preservation Massachusetts that talks about the historic buildings that were taken down in Hyannis and said the buildings were taken down because they were unsafe. He said that process went through the Planning Board and passed unanimously with one abstention. Fred LaSelva said the vote at the Planning Board passed with one vote opposed not an abstention.

Jon Idman said in drafting the regulations the Commission in no way weakened the regulations and they do not encourage strip development. He said doing a GIZ is a designation of an area not a strip development. He said the purpose was not an oversight and said broadness gives the Commission more authority. He said it's intended to be more general and simpler for when the Commission reviews areas for a GIZ designation.

Chair Harold Mitchell said this is not a tool forced upon a town and said towns asked for this. He said the regulations give the Commission authority and provides towns an opportunity to ask for help. He said he approves Chapter G and the amendments that have been made.

Charles McCaffrey said this is a good approach over the existing approach; it's a more proactive approach by allowing towns to do more refinement but key laws need to be in place in towns before they start looking at a GIZ. He said if towns have no guidelines/standards in place then they are not ready for a GIZ and he gave an example of a DRI project in Falmouth that came to the Commission for review. Jon Idman said the amendments leave a lot of authority with the Commission.

Michael Skelley moved the Commission accept the proposed amendments to Chapter G, Growth Incentive Zone Regulations as written and recommend they be forwarded to the Assembly of Delegates for adoption by ordinance. Roger Putnam seconded the motion.

Jackie Etsten said she would ask that the regulations be remanded back to the Committee on Planning and Regulation to address the comments that were given today. Joy Brookshire said the Commission has heard from citizens and town officials today. She agreed with Ms. Etsten that it needs to go back for more discussion. Chair Harold Mitchell said the motion on the floor is whether the proposal should be accepted as written and that is what the discussion is for. Ms. Brookshire said then she would say the Commission should not accept this as it needs more work.

Chair Harold Mitchell asked for a roll call vote on the motion to accept the amendments to Chapter G, Growth Incentive Zone Regulations as written and recommend they be forwarded to the Assembly of Delegates for

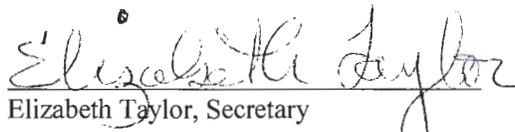
adoption by ordinance. With 12 members voting a roll call vote on the motion was taken as follows: Elizabeth Taylor-No; Michael Skelley-Yes; Richard Roy-Yes; Joy Brookshire-No; Charles McCaffrey-No; Jacqueline Etsten-No; Chair Harold Mitchell-Yes; Kevin Grunwald-Yes; Roger Putnam-Yes; Mary Pat Flynn-Yes; John Harris-Yes; David Weeden-No. The motion passed with seven votes in favor and five votes opposed.

■ **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 4:55 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/Presented at the February 22, 2018 Commission Meeting

- Handout material: February 22, 2018 Commission Meeting Agenda.
- Handout material: Draft Minutes of the December 14, 2017; January 11, 2018 and January 25, 2018 Commission Meetings.
- Handout material: Draft Proposed Amendments to Chapter G/Growth Incentive Zone Regulations.
- Handout material: Chapter G/Growth Incentive Zone Regulations Barnstable County Ordinance 05-13, as amended.
- Comment letter by Felicia Penn to the Cape Cod Commission, dated February 20, 2018.