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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

May 3, 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	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓ (arrived at 3:05 p.m.)
Provincetown	Dr. Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	Absent
Native American Rep.	David Weeden	Absent
Governor's Appointee	Michael Maxim	✓

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

### **SUMMARY OF ACTIONS TAKEN/VOTES:**

- **Public Hearing: Eastham District of Critical Planning Concern Implementing Regulations:** Following presentations, public testimony, discussion and deliberation the Cape Cod Commission voted unanimously in favor to close the public hearing. Following the close of the public hearing the Commission voted unanimously in favor that the Implementing Regulations submitted by the Town of Eastham are consistent with the guidelines in the Eastham District of Critical Planning Concern designation and authorized the Chair to sign a Certificate of Consistency for the Implementing Regulations.

Chair Harold Mitchell introduced and welcomed Cheryl Andrews, the Provincetown Representative to the Cape Cod Commission. Chair Mitchell introduced and welcomed Fred Chirigotis, the Barnstable Representative to the Cape Cod Commission.

### **■ EXECUTIVE DIRECTOR'S REPORT**

Executive Director Kristy Senatori provided an update on the Metropolitan Planning Organization (MPO) and said they have released two documents, the *Draft Cape Cod Transportation Improvement Plan Federal Fiscal Year 2019-2023* and the *Draft Cape Cod Unified Planning Work Program Federal Fiscal Year 2019*, for a 21-day public review/comment period and comments should be submitted by May 14, 2018. Ms. Senatori said Bay State Bike Week begins on May 12 through 20. She said the Commission was recognized by the Baker/Polito administration with an Excellence in Commuter Options Award in recognition of its efforts to promote smart, sustainable transportation choices. She said the Cape Cod Commission, Historic New England and the Massachusetts Historical Commission will be co-sponsoring a series of workshops on management issues related to local preservation. She said information on the MPO, Bay State Bike Week and the workshops are available on the Commission's website. She said regarding wastewater updates the Commission has issued guidance to communities that discusses in detail how towns should move forward. Ms. Senatori said an Economic Development ordinance was established, there is a new administration of the Economic Development Council and the Council will meet again in June to review the Comprehensive Economic Development Strategy document. Ms. Senatori thanked Commission members for their patience regarding Commission meeting locations, the new meeting room will be ready sometime in September and Commission staff have been working with County staff on technology for the new meeting room.

### **■ EASTHAM DISTRICT OF CRITICAL PLANING CONCERN IMPLEMENTING REGULATIONS**

Chair Harold Mitchell opened the public hearing at 3:10 p.m. He said today's hearing concerns the Town of Eastham District of Critical Planning Concern (DCPC) and the Commission's review of its Implementing Regulations for consistency with the DCPC District.

Paul Lagg, Eastham Town Planner, said the Town has completed the task of developing Implementing Regulations, they laid out an aggressive timeframe for Town Meeting next week and they have addressed the guidelines in the DCPC Ordinance. He complimented Commission staff for their assistance in developing the Implementing Regulations and thanked the Commission for their help and guidance with the Eastham DCPC.

Sharon Rooney, Chief Planner at the Commission, said it's been a rapid-paced process and the purpose of today's hearing is to look at the Implementing Regulations for consistency with the guidelines in the DCPC designation. With the use of PowerPoint slides she explained the District Boundary as commercially zoned land and all land within the North Eastham Overlay District. She described the reasons for the District's designation as the potential for uncontrolled or inappropriate development, a district bisected by four-lane undivided highway with multiple curb cuts and high traffic volumes, permissive commercial zoning and a recent provision of town water. She described the values and resources protected by the District designation as improved coastal water quality, balanced economic growth, provision for adequate capital facilities, development of adequate supply of fair affordable housing and preservation of architectural values. She described the type of District proposed as an Economic or Development Resource District, an Affordable Housing Resource District and a Transportation Management District. Ms. Rooney

explained the DCPC timeline and public participation process. She discussed the major elements of the Implementing Regulations as new sub-districts within the DCPC area, a dimensional table, a tiered site plan review system and development standards based on sub-districts. She provided an overview of the Implementing Regulations for core commercial, transition commercial, office/residential, limited commercial, trades park, residential 1, and existing residential A. She outlined the five Guidelines that were part of the DCPC designation: (1) adopt appropriate site layout and design standards to achieve traditional village style development; (2) adopt regulations to encourage creation of a range of affordable housing; (3) incorporate best management practices to reduce stormwater impacts to water resources; (4) promote interconnectivity between properties to improve access for bicyclists, pedestrians and motorists; and (5) develop a transportation management plan. She explained consistency of the Implementing Regulations with Guidelines 1 and 2 and consistency with Guidelines 3 through 5. She said the requested action today by the Commission is a vote to find that the proposed Implementing Regulations for the Town of Eastham DCPC are consistent with the Guidelines for the DCPC District and to authorize the Commission Chair to sign a Certificate of Consistency.

Elizabeth Taylor inquired about fewer access points and asked if it will change the amount of traffic regarding Massasoit Road. Paul Lagg said the area is office/residential but there is a vacant residential area; undeveloped properties that don't rely on access to Route 6. Ms. Taylor asked if there was a back way on the south side. Sharon Rooney said the regulations are designed to manage land use; a mix of uses encourages residential everywhere. She said the town is doing what it can to manage traffic, but it is a state highway. Steve Tupper, Transportation Program Manager at the Commission, said those details will be looked at when they develop the Transportation Management Plan. He said they will be testing alternatives and recognize there are challenges, but the intention is to look at alternatives as part of the plan.

Kevin Grunwald inquired about the affordable housing district. Sharon Rooney said it's not a district it's part of a district designation. She said an Affordable Housing District refers to the general purpose. Mr. Grunwald inquired about the Purcell development. Paul Lagg said it's a Chapter 40B development that will be a 65-unit rental development.

Charles McCaffrey referred to the desirability of mixed use that was mentioned and asked what assurance does the town have that they will get it. Sharon Rooney explained the primary commercial focus. Mr. McCaffrey asked if there are any incentives for mixed use. Ms. Rooney said there are established minimums. Paul Lagg said allowing residential by right creates incentive for people who want to redevelop their property. Mr. McCaffrey said in Falmouth if there is residential there needs to be commercial as well. He questioned whether there is a fear of losing the village look because of too much residential. Ms. Rooney said they have tried to have it be more focused.

Ernest Virgilio inquired about curb cuts and referred to the state's definition of curb cuts. He said they don't allow anything different if there is a curb cut already there.

Cheryl Andrews asked if someone at Town Meeting attempts to make an amendment does it come back to the Commission. Sharon Rooney said it depends on the extent of the change. Jessica Wielgus, Commission Counsel, concurred and said it depends on the magnitude of the change.

Jack McCormack said this all came about because of Eastham's new water system and this should be a wake-up call to towns regarding infrastructure.

Chair Harold Mitchell said he is very impressed with the work and effort by the Town and Commission staff throughout the DCPC process. He called for public comment and noted no one wished to speak.

Jack McCormack moved to close the public hearing, Roger Putnam seconded the motion and a vote called on the motion passed with a unanimous vote.

Chair Harold Mitchell called for a motion to find the Implementing Regulations submitted by the Town of Eastham are consistent with the Eastham DCPC designation and authorize the Commission Chair to sign a Certificate of Consistency. The motion was moved by Cheryl Andrews, Roger Putnam seconded the motion and a vote called on the motion passed with a unanimous vote.

## ■ PRESENTATION ON CAPE COD'S HISTORIC STRUCTURES IN FLOOD HAZARD AREAS

Sarah Korjeff, Preservation Specialist at the Commission, said the recent weather we've had and its effect on flood hazard areas is the focus of today's topic. She referred to PowerPoint slides and said historic structures are important to our history, culture and community character and the National Flood Insurance Program and building codes have special provisions for some historic structures. She said the Massachusetts Cultural Resource Information System (MACRIS) has inventoried roughly 11,000 historic structures on Cape Cod (assessors data suggests more) and roughly 2,300 or almost 20% are in flood hazards areas. She discussed the National Register of Historic Places and said Cape Cod has over 40 National Register districts and more than 150 individual National Register structures. Ms. Korjeff said there are 889 National Register buildings in flood hazard areas; Falmouth 58, Sandwich 66, Barnstable 87, Yarmouth 90, Provincetown 511 and noted that every town has at least one. Ms. Korjeff discussed Floodplain Building Regulations from Eric Carlson of the Department of Conservation and Recreation Flood Hazard Management; she explained the criteria for a structure to qualify as an historic structure listed individually in the National Register of Historic Places and as contributing to the historical significance of a registered historic district; and provided examples of areas in Woods Hole/Falmouth, Sandy Neck/Barnstable, and Provincetown. She discussed flood mitigation options and alternatives and said they have looked to other communities and said Newport, Rhode Island developed design guidelines "Keeping 74 Bridge Street Above Water"—lessons from the City of Newport and the Point Neighborhood on protecting historic structures and neighborhoods from the impacts of climate change. She said they also looked at mitigation options and alternatives in Mandeville, Louisiana and said the Mandeville Master Plan deals with challenges of elevating historic buildings. Ms. Korjeff said possible next steps would be to provide information/support to building departments/town staff by creating a flowchart for an evaluation process and updating historic resource inventories; map/highlight buildings at risk; develop design guidelines/mitigation options for different historic areas; pursue neighborhood elevation certificates and photodocument key properties.

Michael Skelley referred to mitigation options and alternatives and said he agrees with everything that is being said but it would be very expensive to do and questioned who would assume the cost. He said we can't make suggestions without making a cost proposal. Richard Conron said the Town of Bourne has used community preservation funds.

## ■ PRESENTATION ON CAPE COD BRIDGES CONSTRUCTION AND PLANNING UPDATE

Steve Tupper, Transportation Program Manager at the Commission, with the use of PowerPoint slides provided a history on the Cape Cod Canal and the Bourne and Sagamore Bridges. He said today the U.S. Army Corps of Engineers (ACOE) maintains the Cape Cod Canal and the Bridges. He said the Massachusetts Department of Transportation (MassDOT) owns and maintains most of the transportation infrastructure approaching the Bourne, Sagamore and Railroad Bridges. He explained the bridge maintenance basics and said all bridges require maintenance; older bridges require more maintenance; and traffic impacts are worst when the bridge carries heavy traffic volumes, lacks effective alternate routes, lacks shoulders, and has narrow travel lanes. Mr. Tupper explained the 2018 Canal Bridge maintenance for the Sagamore Bridge that included 54 days of lane closures planned, it was scheduled from April 1 to May 25 and it was completed ahead of schedule. He said for the Bourne Bridge 80 days of lane closures is planned, it is scheduled for September 6 to November 28 and open for Columbus Day weekend. He discussed construction impacts to emergency services, health care access, transportation of goods and services, delays for communities, school access, retail tourism, disaster management, recreation access, air quality, pedestrian access, safety and perceptions. He said in planning for the future there are two active studies underway—the *Cape Cod Canal Bridges Major Rehabilitation Evaluation Report* by the U.S. ACOE and the *Cape Cod Canal Area Transportation Study* by MassDOT. Mr. Tupper explained the components of both studies and said the next steps include public and stakeholder involvement meetings/presentations to start in late spring, continued collaboration with MassDOT and continue regular routine inspection and maintenance on both bridges. He said the Bourne and Sagamore Bridges provide the only vehicular connections across the Cape Cod Canal and they link 15 communities and 215,000 residents with the mainland and the islands. He explained the purpose of the studies, the process and framework, framework goals and objectives, draft evaluation criteria, travel demand models, and provided a summary of conceptual cost estimates by case.

Charles McCaffrey asked if there has been a change in commercial use of the Canal and whether it influences core decisions. Steve Tupper said on average it's about 36,000 vessels and most are pleasure crafts.

Roger Putnam asked if a study on the economic value of the bridge today has been done. Steve Tupper said filling of the Canal has been considered.

Richard Conron inquired about the ACOE giving the Bridges to the state. Steve Tupper said MassDOT and the ACOE are coming together on that discussion. Ernest Virgilio said that was brought up 30 years ago and it still hasn't happened. Jackie Etsten inquired about the Railroad Bridge. Mr. Tupper said that is part of the discussion with MassDOT.

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

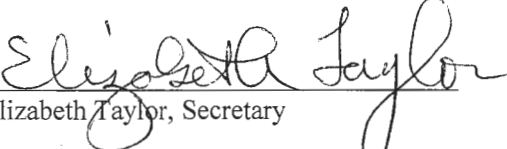
Chair Harold Mitchell said there is an opening for a seat as an alternate on the Committee on Planning and Regulation and anyone interested in serving as an alternate member of the committee to please let him know.

Ernest Virgilio inquired about dredging and said he has concerns that some areas are not being dredged. Kristy Senatori said that has been a concern to a lot of communities. She said the County now has two dredges to work in communities. She said the Commission is working with the County on that and she will update members on that.

Ms. Senatori thanked Commission members for completing the communications survey. She said she would like to have a Commission member retreat in June and if there are any topics members would like to take up at the retreat, to please let her know.

A motion was made to adjourn at 4:27 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

  
Elizabeth Taylor, Secretary

**List of Documents Used/Presented at the May 3, 2018 Commission Meeting**

- Handout material: May 3, 2018 Commission Meeting Agenda.
- Handout material: Article 22-Zoning/Section V.I Eastham Corridor Special District.
- Material presented: PowerPoint slide presentation on the Eastham District of Critical Planning Concern Implementing Regulations prepared and presented by Commission Staff.
- Material presented: PowerPoint slide presentation on Cape Cod's Historic Structures in Flood Hazard Areas prepared and presented by Commission Staff.
- Material presented: PowerPoint slide presentation on Cape Cod Canal Bridges Construction and Planning Update prepared and presented by Commission Staff.