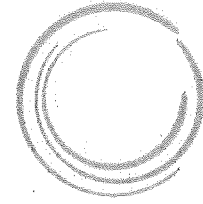


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CAPE COD  
COMMISSION

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## Minutes

### Meeting

#### Cape Cod Commission

East Wing Conference Room • Barnstable County Complex  
3195 Main Street, Barnstable, MA 02630

May 30, 2019

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

Town Member	Present	
Barnstable	Fred Chirigotis	Absent
Bourne	Stephen Mealy	√
Brewster	Elizabeth Taylor	√
Chatham	Tom Wilson	√
Dennis	Richard Roy	Absent
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	√ (arrived at 3:05)
Harwich	Jacqueline Etsten	Absent
Mashpee	Ernest Virgilio	√
Orleans	Len Short	√
Provincetown	Dr. Cheryl Andrews	√
Sandwich	Harold Mitchell	√
Truro	Kevin Grunwald	√ (arrived at 3:05)
Wellfleet	Roger Putnam	Absent
Yarmouth	John McCormack, Jr.	√
County Commissioner	Ronald Bergstrom	√
Minority Representative	John Harris	√
Native American Rep.	David Weeden	√
Governor's Appointee	Michael Maxim	√ (arrived at 3:10)

The Cape Cod Commission Meeting was called to order on Thursday, May 30, 2019 at 3:00 p.m. in the East Wing Conference Room, Old Jail 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 May 2, 2019 Cape Cod Commission meeting were unanimously approved.
- **Public Hearing: Climate Change Actions and Mitigation on Cape Cod:** The Cape Cod Commission conducted a public hearing to hear and consider presentations and comments from the Cape Cod Commission staff and the public on policies and actions to address and mitigate the effects of climate change on Cape Cod, including under the 2019 Regional Policy Plan. Commission members directed staff to distribute a copy of the 350 Cape Cod petition to the members following the Commission meeting.

## **PUBLIC COMMENT**

The Chair opened the podium for public comment. No public comment was made.

## **APPROVAL OF MINUTES**

The minutes of the May 2, 2019 Cape Cod Commission meeting were reviewed. Len Short moved to approve the minutes, Ernie Virgilio seconded the motion and a vote called on the motion passed with a majority vote in favor of approving the minutes, with Ron Bergstrom and Stephen Mealy abstaining.

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Kristy Senatori reported on:

- The Cape Cod Commission budget was approved by the Assembly of Delegates and signed off on by the Barnstable County Commissioners in early May.
- Registration for the One Cape summit which will be held on July 29<sup>th</sup> and 30<sup>th</sup> will be opening in a couple of days and you will be receiving an email.
- Copies of the Regional Policy Plan have been delivered to all of your towns.
- The thirty-day comment period for the draft Comprehensive Economic Development Strategy closed on May 26<sup>th</sup>. It will be presented to the Barnstable County Economic Development council on June 6<sup>th</sup> for approval and then brought to the Cape Cod Commission for adoption and submission to the Economic Development Administration.
- The Cape Cod Water Protection Fund Management Board held its first meeting on May 14<sup>th</sup>. Senator Cyr, Representative Peake and staff from the Massachusetts Department of Environmental Protection and the Massachusetts Clean Water trust spoke. Their next meeting will be held on June 26<sup>th</sup> and the Massachusetts Department of Revenue is invited to address the Board.
- Draft reports for each town's compliance with the Clean Water Act section 208 update have been compiled; staff will be sharing these drafts with the towns.
- Travel reimbursements are due soon; please submit your expenses to Maria McCauley.

## **■ PUBLIC HEARING: CLIMATE CHANGE ACTIONS AND MITIGATION ON CAPE COD**

Chair Harold Mitchell opened the public hearing at 3: 10 p.m. He said the Commission is holding the public hearing to hear presentations and comments from Cape Cod Commission, staff and the public regarding policies and actions to address and mitigate the effects of climate change on Cape Cod, including under the 2019 Regional Policy Plan.

Kristy Senatori, Executive Director of the Cape Cod Commission, said we are here because the Cape Cod Commission recognized and made changes to the draft Regional Policy plan to mitigate and minimize climate change on Cape Cod. She said we continue to strive to know what more we can do to address this issue. During this public hearing, we will review existing policies, future policies, and the regional challenges we face. She said we received a citizen's petition which is not before you today as it was not properly filed but we recognize this issue as a pressing concern and saw this as an opportunity to continue the discussion. She said that the Cape Cod Commission Act requires us to balance goals and does not allow the Regional Policy Plan to be singularly focused. The Regional Policy Plan was methodically developed to strike that balance. The Cape

Cod Commission also develops plans to complement the Regional Policy Plan, such as the Clean Water Act Section 208 Plan and the Regional Transportation Plan. She said a climate change action plan could be developed and exist in the future. She said there are currently two Barnstable County ordinances pending; one is to form a short-term working group to create a permanent entity and the other is to form a new office of climate change prevention. Both of these have identified the Cape Cod Commission as a participant. She said we have also been working with the Climate Change Collaborative and the One Cape summit will have dedicated sessions on climate change. She noted that staff would now walk everyone through the actions that have and will be taken on this issue.

Erin Perry, Deputy Director of the Cape Cod Commission, said she would discuss the 2019 Regional Policy Plan. She noted that the Regional Policy Plan was approved by ordinance in January 2019. Climate change was identified as one of the seven key regional challenges. This plan supports the conservation and preservation of resources, minimizes the clearing of forests, places the focus of development on activity centers. These strategies have been in place since the Commission's first Regional Policy Plan and the Commission has worked to preserve natural resources since 1991. Many of the policies and strategies that have been in place and a part of planning on Cape Cod since 1991 preserve the ability of the region's natural environment to sequester carbon and reduce greenhouse gas emissions. She said the adoption of the Regional Policy Plan was a robust process, with sub-regional meetings over a year, a 60-day public comment period, and over 20 meetings with elected and appointed officials as well as three sub-regional hearings. She noted that the Assembly of Delegates also conducted a public hearing. The final document included several climate change actions, including establishing a baseline for greenhouse gas emissions, seeking Green Communities' designation, GIS screening analyses for future action including electric vehicle charging, sites for community solar and electric storage. The Regional Policy Plan recognizes that we will gain new information and that the Technical Bulletins will be amended going forward. She noted that the Regional Policy plan balances interests, that will continue to change and that there would be more explicit references to climate change and direct planning on this issue. She also noted that the document is a framework for planning and regulation to address the range of regional challenges faced by the region.

Jon Idman, Chief Regulatory Officer for the Cape Cod Commission, said there are single purpose plans and the Regional Policy plan. He said he would look at another lens, that of state regulation and policy. He said two major laws were set in 2008 to make Massachusetts a leader in addressing climate change. The first, the Global Warming Solutions Act, reformed of state law on greenhouse gas emission, with a goal of reduction of 25% by 2020 and 80% by 2050. The Act mandates state actors and power plants to take certain actions. He said Massachusetts General Laws Chapter 21N sets out reporting requirements by category emitters and establishes thresholds, targets and baselines. He discussed the provisions the "business as usual" if no action is taken and targeted emissions actions for 2020 and beyond. He said the second act, the Green Communities Act, furthers the goal of the Global Warming Solutions Act and requires that a certain percentage of power comes from renewable energy sources and energy efficiencies increase after certain baseline years at the state level. It also creates a market-based system like the cap and trade system for the regional greenhouse gas emissions. The Green Communities Act requires certain energy sources be incorporated into utilities' portfolios in the Commonwealth. Through the implementation of these laws, they regulate large emitters and as these laws mature, it will be incumbent on communities on how to set emissions limits. In summation, he said the state has set out a comprehensive detailed program to deal with greenhouse gas emissions in the Commonwealth, created incentives and opportunities to help local communities and private actors also meet those emission reduction targets.

Heather McElroy, the Natural Resources Manager for the Commission, said that we recognize in our response the importance of the issue of addressing climate change. She described a list of activities that the Commission was working on: The Regional Policy Plan provided a framework to direct growth with alternate transportation, open space requirements, cluster development, restoration of tidally restricted salt marshes, multi-hazard mitigation plans, and an update to the Clean Water Act section 208 plan, including water quality through nature-based solutions. She discussed the Resilient Cape Cod project, which addresses coastal management, uses a Geographic Information System based tool and included Cape wide stakeholder

engagement. She said the Cape Cod Commission staffs the Coastal Management Committee, which works with County agencies, and regional organizations to coordinate coastal management, and that the Commission's Historic preservation specialist has been working with County staff on flood hazard mitigation of historic sites. She further described the Commission's work to certify towns under the Municipal Vulnerability Preparedness program (MVP), improving their resiliency and qualifying them for grants. She said that the Cape Cod Commission was a co-founder of the Cape Cod Climate Change collaborative, and that the Regional Transportation Plan is addressing climate change by working on reduction of vehicle miles traveled (VMT). Further, she said that the Cape Cod Commission works regularly with the Regional Transit Authority, which is currently working to quantify emissions from their fleet. The Cape Cod Commission also applied last week for a climate change resiliency grant which would be used to identify regulatory changes and create a model by-law. Ms. McElroy then identified future actions, including the development of a greenhouse gas inventory, having a session on climate change at the One Cape conference, participation in the County response to climate change, and working with partners to identify approaches to managing impacts.

The Chair then said he would take public testimony, asking for any federal, state or local officials.

Thomas Cahir, the Administrator of the Regional Transit Authority (RTA), commended the Cape Cod Commission for recognizing this important issue. He said he was aware of actions taken by the state to set limits on greenhouse gases, and having clean buses, which are contributors makes the conversation important. He said the RTA joined the five C's collaborative and implemented solar on the RTA campus, with a 93% decrease in energy demand as a result. He said it is a priority to have people use public transportation and they have been working on strategies to increase ridership and have been working with the Commission transportation staff on a regular basis.

Don Keeran, the Assistant Director of the Association to Preserve Cape Cod (APCC), said the APCC wants to emphasize going beyond the Regional Policy Plan for actions to address climate change. He said it was time to think outside the box and if it was not practical to update the Regional Policy Plan, look what we can do. He said the Development of Regional Impact (DRI) aspect, by its nature, does not capture everything here to reduce the carbon footprint because of thresholds and the fact that everything cannot be reviewed. He said he wants the Commission where it sees opportunity to be a leader to take advantage of that. The APCC, as one of the original founders of the Climate Change Collaborative, was glad this group was being mentioned.

Chris Powicki of Brewster and an active member of the group 350 Cape Cod, said there was a difference between mitigation as the source of the problem and adaptation which is responding to the problem. He said the petition focused on mitigation because the Cape Cod Commission was focusing on adaptation. He asked if the petition had been given to the Commission members. He said the petition was submitted and was a live instrument and wanted to know if it would be considered today.

Jon Idman said that the petition proposing amendments to the regional policy plan was not properly before the board for its consideration.

Chairman Mitchell said we are here for a public hearing and would like to hear what he has to say.

Mr. Powicki said the memorandum by the Cape Cod Commission staff was impressive but a misdirection because it dealt with adaptation but not mitigation. He said that the memo implies that the regional policy plan cannot be focused on a single issue, but that he disagrees, and believes that the regional policy plan can do a lot more to address climate change. He said even though the Regional Policy plan identified climate change as one of seven issues, it is the number 1 problem in society. He said he thought the Commission could do a lot more. His focus was to put a climate lens on each issue. He thought a climate action plan would be important to do but that it was not policy and regulation. He thought if the Regional Policy plan were amended, it should be about the effective response to the climate emergency. He said that the Regional Policy plan process was 3-4 years long but there was not a subcommittee hearing on the energy section. He said that at the Assembly of

Delegates, four members opposed the Regional Policy plan because it didn't do enough.

Mr. Powicki then stated that he would review some changes he would like to the regional policy plan:

He wanted the Growth Policy to add that given the threats posed to Cape Cod by climate change, growth and development should be consistent with reducing greenhouse gas emissions and increasing natural carbon sequestration on a scale and time frame aligning with targets and limits set under present and future state laws, policies and regulations.

He wanted to add to the objectives to minimize the amount of newly disturbed land, vegetation clearing, and impervious surfaces and promote tree planting.

He wanted to add to the Transportation objective to minimize greenhouse gas emissions and accelerate electrification.

He wanted to add to the Energy goal to a secure an adequate affordable and reliable supply of energy.

Mr. Powicki said that the Cape Cod Commission has talked about working with the Cape Cod Climate Change Collaborative on a climate action plan. The 350 Cape Cod supports this, but he wants changes to the regional plan policies and regulation too.

He asked that there be consideration of the 350 Cape Cod petition to address climate change and that the Commission put forward changes themselves and act as leaders. He said the Commission was created to protect the environment and he saw this as a lost opportunity.

Michelle Scarlet of Centerville and a member of the 350 Cape Cod said she was concerned about climate change. She said a government panel found that we only have 10-12 years before feeling the full effects of ecosystem disruption. She said individuals can do just so much. We need a bigger response and wants the Commission to do this.

Chairman Mitchell asked if there was any more testimony.

Janice Marks of Bourne said it took her years to change but now she belongs to organizations that educate. She belongs to a Bourne newcomers' group that she would like the Commission staff to come see. She is also a member of the 350 Cape Cod group and the Upper Cape Women's Coalition, which could use current information. She also referenced the Cape Air educational series and that she plans to be on the Energy Advisory Board in Bourne.

Gordon Starr of Barnstable said he agrees with Don Keeran that the Cape Cod Commission should be more visionary. He said the town of Barnstable is not a Green Community; seven communities are, three are working toward it and five are not. He wants to help with that. He said there is funding available from Volkswagen for electric vehicle charging stations and the County should look at this. He also said he wants to see more mitigation versus resiliency in coastal resources. He referenced the Clean Water Act section 208 program's suite of technology solutions and asked if we could use this process for Cape Cod.

Justin Ingall of South Yarmouth is also a member of 350 Cape Cod. He was involved in the petition and said they had a robust discussion of what to include. He asked that the Commission please take a look at it and may agree it is reasonable.

Jane Ward of Centerville said she moved back here after being in the Air Force. She considers herself an environmentalist and noted that climate change is ranked #1 as a national security issue by the military. She is also a physician and that the World Health Organization also says it is the #1 risk. She wants you to look at the difference between adaption, mitigation and reversal. She says the book Drawdown references one hundred

programs that would reverse climate change. She thanked the Commission for taking this seriously.

Sheila Place of Yarmouthport and member of 350 Cape Cod said she was a petition gatherer and is speaking because she heard staff's awareness of the issue. In her opinion the perspective of the youth is missing.

Ambassador North said he worked on climate change negotiations and that in the absence of all stakeholders it depends on leadership. He said he said the Commission is not a leader on mitigation. He appreciates their other work including hazard work. He said he would like to see a time bound commitment. He said the climate change office could be the one to lead.

Chairman Mitchell said that seeing no other people to testify, that he would close the public hearing. He then opened the floor for Commission member comment.

Ronald Bergstrom, County Commissioner representative, said the Cape Cod Commission and Regional Policy Plan provide the framework on policies. He said the emphasis is on green energy policies; he thought we can do this without changing the Regional Policy Plan. He thought we could do what the state does by setting a baseline assessment of emissions, put a target in place, look where we want to be in ten years, and give each action we take some sort of credit to reach the goal by towns, by individuals, by the County. He thought this could create competition. He said we are past the point of saying this is important and reached the point of producing proposals to target greenhouse gas emissions. He said editing the Regional Policy plan will not do this.

Dr. Cheryl Andrews, Provincetown representative, said she supports the comments made by Ron Bergstrom. She said the delegate from Provincetown voted against the approval of the Regional Policy plan and that Provincetown is in the process of trying to address this problem. She said our lives are changing and how should we respond? She said we could consider amending the Regional Policy plan. She then requested that after the meeting, staff distribute a copy of the 350 Cape Cod petition to the Cape Cod Commission members.

Elizabeth Taylor, Commission member from Brewster, seconded this request. A motion was unanimously made and approved that staff distribute the petition to Commission members following the meeting.

John Harris, Minority representative from the Commission, said he would like a future agenda item for a Commission meeting to discuss the petition.

Jack McCormack asked as a matter of protocol and procedure if it was appropriate to request the petition be distributed.

Jessica Wielgus, Commission Counsel, said that staff could distribute the document, that it was not deliberation, but if they wanted to withdraw their motion they could.

Ronald Bergstrom, County Commissioner representative, noted that the petition was a public document.

Stephen Mealy, representative from Bourne, referred to an editorial from the Cape Cod Times board two days ago on the state of environmentalism and the importance of local, regional and statewide action on the issue of climate change. There is an awareness of the challenges we face. He noted staff's May 28<sup>th</sup> memo the Regional Policy Plan recognizes climate change as an issue of regional concern and offers more to protect Cape Cod. He said the Commission should support the future actions as presented by staff and described in the Regional Policy plan and work with the County.

Len Short, representative from Orleans, said sea level rise will be fourteen feet within 100 years, which is astonishing.

Jack McCormack thanked everyone who participated and noted that he is concerned with climate change.

Chairman Mitchell said he was closing the meeting. He asked staff to send the petition to the members and to keep them informed at a future meeting and if they need to add an agenda item they could.

■ **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 4:35 p.m by Len Short. The motion was seconded by Ernest Virgilio and voted unanimously.

Respectfully submitted,

  
Elizabeth Taylor, Secretary

**List of Documents Used/Presented at the May 30, 2019 Commission Meeting**

- May 30, 2019 Cape Cod Commission Meeting Agenda.
- Draft Minutes of the May 2, 2019 Cape Cod Commission meeting.
- May 28, 2019 Cape Cod Commission staff memo on Climate change actions and mitigation on Cape Cod

