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CAPE COD  
COMMISSION

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## Minutes

### Meeting

### Cape Cod Commission

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

April 4, 2019

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

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

The Cape Cod Commission Meeting was called to order on Thursday, April 4, 2019 at 3:00 p.m. in the East Wing Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

Chair Harold Mitchell welcomed and introduced Tom Wilson who was recently appointed as the Chatham Representative to the Cape Cod Commission.

Mr. Wilson said he is happy to be here as the Chatham Representative. Mr. Wilson said he worked in sales for 27 years for Pepperidge Farm, he was a teacher and also owned a small business. He said he is happy to be part of the Commission and is interested in participating in affordable housing issues.

Chair Harold Mitchell presented Richard Conron, the Bourne Representative to the Commission, with a Certificate of Recognition and thanked Mr. Conron for his service and contributions to the Commission as the Bourne Representative. Mr. Conron will be leaving the Commission at the end of his term on April 24, 2019.

Mr. Conron thanked Commission staff and said it has been a great learning experience, he has learned a lot from his colleagues and his time at the Commission has been a rich and rewarding experience.

Cheryl Andrews inquired about the new electronic voting system in the East Wing Conference Room and asked if viewers watching the video or in the audience will know how Commission members have voted, will members know how other members have voted and will those votes appear on the monitors in the room. Jessica Wielgus, Commission Counsel, said, yes, voting that is done electronically will appear on the monitors in the room.

#### **SUMMARY OF ACTION TAKEN**

- **Minutes:** The minutes of the February 21, 2019 Joint Meeting of the Cape Cod Commission and Metropolitan Planning Organization were approved with 10 votes in favor and five abstentions (Cheryl Andrews, Charles McCaffrey, Richard Roy, David Weeden, Tom Wilson).
- **Public Hearing—Harriet Taylor Conservation Area:** Following presentations and discussion the Commission voted to adopt the draft written Development of Regional Impact (DRI) Exemption decision and approve the DRI Exemption request for the proposed division of land at 247 Old County Road in Sandwich, MA with 15 votes in favor and one opposed (Fred Chirigotis).
- **Public Hearing—Chapter H Hyannis:** Following presentations, public testimony and discussion the Commission voted to adopt the draft written decision recommended by the subcommittee and approve the Town of Barnstable's request to raise DRI Thresholds in the Economic Center and Industrial Service and Trade Area in Hyannis with 15 votes in favor and one abstention (Jackie Etsten).

#### **■ MINUTES**

Commission members reviewed the minutes of the Joint Cape Cod Commission and Metropolitan Planning Organization meeting on February 21, 2019. Roger Putnam moved to approve the minutes, Elizabeth Taylor seconded the motion and a vote called on the motion passed with 10 votes in favor and five abstentions (Cheryl Andrews, Charles McCaffrey, Richard Roy, David Weeden, Tom Wilson).

#### **■ EXECUTIVE DIRECTOR'S REPORT**

Executive Director Kristy Senatori provided the following report:

- Ms. Senatori said Commission staff has started to plan for this year's OneCape Summit; it is scheduled for July 29 and 30 and will be held for the second year at the Wequassett Resort in Harwich.
- There will be additional staff changes with the County's upcoming Early Retirement Incentive Program and the Commission is currently advertising to fill a few of the positions.
- The Commission's budget was reviewed before the full Assembly of Delegates last month; the Assembly will hold a public hearing on the budget on April 17 and they will vote on the budget on May 1.
- Tom Cahir spoke to Commission staff at their March staff meeting on Cape Cod Regional Transit Authority programs and initiatives. Ms. Senatori said the Environmental Protection Agency will present at the April staff meeting on their completed and ongoing recreation and water quality work.
- Ms. Senatori said copies of the 2018 Regional Policy Plan were distributed to Commission members today and copies will be distributed to towns next week.

- The Comprehensive Economic Development Strategy (CEDS) working group meetings wrapped up in mid-March and Commission staff is working on drafting the CEDS Update which will be released for public comment later in April.
- Commission staff has facilitated MVP Workshops this last month for Wellfleet, Truro and Barnstable. Staff will be in Bourne for MVP Workshops later this month and Commission staff will facilitate the Town of Bourne's Economic Summit next week.
- Ms. Senatori and Leslie Richardson attended "Leading the Way: Southeastern MA and the Blue Economy" roundtable discussion on March 25 convened by Congressman Bill Keating and hosted by the Woods Hole Oceanographic Institute, UMASS Dartmouth, Cape Cod Blue Economy Foundation and the South Coast Development Partnership.
- Ms. Senatori was invited to be a featured speaker at the Community Leadership Institute's environmental session on March 21 and she was interviewed by Matt Pitta for the Sunday Journal to discuss the Commission year in review.

#### ■ HARRIET TAYLOR CONSERVATION AREA

Chair Harold Mitchell said the Cape Cod Commission is conducting a public hearing to consider the Development of Regional Impact (DRI) Exemption application submitted by Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts, on behalf of owner V. Adrian Parsegian for the proposed division of land at 247 Old County Road in Sandwich, MA. The proposed land division is for conveyancing and conservation purposes.

Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts, said he is here today representing the Sandwich Conservation Trust and the landowners, Valerie and Adrian Parsegian, who own a large tract of land south of Route 6A and north of Old County Road in Sandwich which includes saltmarsh, pine oak woods, old cranberry bogs, and a swamp. He said because this property exceeds 30 acres in size, they are proposing a new lot be created out of that with the old historic house dating back to 1710 and to have the old farmhouse on its own separate 60,000 square foot lot where it has sat for 300 plus years. He said in order to separate that from the remaining acreage and for conveyance and conservation purposes there will be no development of this property and would assume there would be no regional impacts. Mr. Robinson said they are seeking exemption from DRI review and would be happy to answer questions.

Jon Idman, Chief Regulatory Officer at the Commission, said it's a 32-acre property with frontage off Old County Road in Sandwich. He said in 2003 the owner put 28.4 acres under a conservation restriction with the Sandwich Conservation Trust. He said in order to convey or deed land they need to script it as such, and the land division involved triggers DRI review. He said there will be no impacts to the town, no physical impacts, 28 acres are already under conservation restriction and the applicant is putting two more areas of the property in conservation restriction. Mr. Idman said Commission staff recommends approval of the draft written decision as a DRI Exemption. He said as a condition the Commission is requesting that the applicant provide the Commission with copies of the conservation restriction and deed evidencing their filing with the Barnstable County Registry of Deeds.

Chair Harold Mitchell called for public testimony from federal, state, local officials and the general public. No public testimony was given.

Fred Chirigotis welcomed Tom Wilson and said he spoke about the lack of housing on the Cape. Mr. Chirigotis said he is troubled that the Commission continues to look at limiting space, but understands the property is under conservation restriction, space is needed for much-needed housing. He said it's hard for him to approve the DRI Exemption.

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

Roger Putnam moved that the Cape Cod Commission adopt the draft written DRI Exemption decision and approve the DRI Exemption request for the proposed division of land as set out in said decision. Richard Roy seconded the motion and a vote called on the motion passed with 15 votes in favor and one vote opposed (Fred Chirigotis).

#### ■ CHAPTER H: PROPOSED DEVELOPMENT OF REGIONAL IMPACT THRESHOLD REVISIONS, HYANNIS

Mark Ells, Barnstable Town Manager, said what is being presented today is a request by the Town of Barnstable to change Development of Regional Impact (DRI) thresholds under the Commission's Chapter H: Proposed DRI Threshold Revisions Regulations. He said this is a planned priority for the community; it is located within the Hyannis Economic Center and Hyannis Industrial Service and Trade Area (ISTA) for commercial and industrial use and where there is infrastructure already in place to support the smart growth. He said the Town is looking for a good economic balance and hopes for a favorable vote by the Commission. Mr. Ells thanked the Commission for the opportunity to come before the Commission.

Elizabeth Jenkins, Director of Planning and Development for the Town of Barnstable, said Chapter H is a regional strategy to guide growth towards areas served by adequate infrastructure and away from areas with resource protection needs and Barnstable is the first town coming to the Commission with a Chapter H request. With the use of PowerPoint slides Ms. Jenkins outlined Barnstable's Chapter H application. She said the request to raise DRI thresholds will cultivate and attract economic development opportunities to the region's year-round established commercial area and said they received unanimous support from the Barnstable Planning Board, Barnstable Town Council and the Commission's Chapter H subcommittee. She said the goals in the Commission's new Regional Policy Plan (RPP) and Barnstable's Local Comprehensive Plan (LCP) are favorable for this change to DRI thresholds. She referred to a map highlighting the Economic Center and Industrial Service and Trade Area (ISTA) along Route 132 and said this is consistent with Barnstable's LCP which designates this as an area for growth. She said the proposed change to DRI thresholds in the Economic Center is to raise the threshold from 10,000 square feet to 20,000 square feet and in the ISTA to raise the threshold from 30,000 square feet to 40,000 square feet for clean industry. She discussed the geography in the Economic Center and ISTA and said there is infill and redevelopment potential; it's an area served by public infrastructure and backed by existing and future commitments to plan and invest in capital infrastructure; they have an existing regulatory framework that adequately addresses new growth and it's an area served by public water. She said roadway transportation improvements have been made and the Town is looking to improve the bikeway network and additional roadway improvements. Ms. Jenkins said the Town of Barnstable recently made zoning changes to the town's Highway District and with that change came formal adoption of different types of review; a site plan review process; and they have been codified in Barnstable's Zoning Bylaws with a robust review process. She said the Town of Barnstable continues to be invested in this and Route 132 is the appropriate location for this. She said the Town looks forward to working cooperatively with the Cape Cod Commission going forward.

Jon Idman, Chief Regulatory Officer at the Commission, said they had a lively and detailed discussion on this at the subcommittee public hearing. He said the draft decision before the Commission reflects findings that are necessary for approval. He said the types of limited use being requested are "clean industry" i.e. research and development (R&D) and light industrial uses only. He said the Town's application request is consistent with the Commission's Chapter H process, the Town has met the criteria for a Chapter H request; it's consistent with the Commission's RPP and the Cape Cod Commission Act; the infrastructure in place is appropriate for an increase in DRI thresholds; providing infrastructure in these areas is an economic investment and they will not be creating new infrastructure. Mr. Idman discussed the general conditions in the draft decision and said granting this request does not limit the town to make, and the Commission to accept, Discretionary Referrals in the future; the revised DRI thresholds shall take effect 14 calendar days after the Commission Clerk files a true copy attest of the decision with the Clerk of the Assembly of Delegates; the Commission shall record a copy of the decision with the Barnstable Registry of Deeds; and there is a provision in Chapter H regulations that gives the Commission the authority to revoke revised DRI Thresholds if certain conditions are not being met. Mr. Idman said the Commission looks forward to working with Town staff in moving this forward.

Charles McCaffrey asked if the 40,000 square foot threshold is for light industry and asked if BJs would be subject to that today. Elizabeth Jenkins said it was allowed as a 10,000 square foot use and said the Town is not seeking relief in areas such as that.

David Weeden said he has concerns about the periphery of the area encompassing the requested areas. He said a tree buffer is needed on Route 6 if development happens closer along the mid-Cape Highway. He said he would like to see a tree buffer maintained as is. Jon Idman said this is not allowing for particular development there; this is a change to DRI Thresholds and this area is already a designated area.

Elizabeth Taylor asked if the Town will be pushing energy efforts there and is security housing allowed. Elizabeth Jenkins said housing is a priority in Barnstable and she can see the potential to integrate housing in the future. She said these are just commercial thresholds under review. She said regarding energy Barnstable does support the Vineyard Wind project and they are clean energy stewards.

Jackie Etsten said this area grew very fast with "any buildings USA." She said it's an area that is frequently visited and she believes Commission staff has more expertise in Community Design and would like to see Limited DRIs come to the Commission. She said design is a difficult area for towns to regulate.

Cheryl Andrews inquired about the status between Barnstable and the Fire Training Academy (RTA) and the relationship with new wells regarding the FTA. Mark Ells said the FTA is located off Mary Dunn Road which is on the northeast side; public wells are both east and west; and Hyannis wells are to the east. He said in regard to the FTA cleanup, they have filters on all wells that have been impacted by FTA and there has been no detection shown in the testing of these wells. He said the Town is in the process of looking at six different locations for future public water supplies.

Len Short said he has concerns about Willow Street and Route 28 intersecting and impacts to traffic flow and inquired about a schedule for construction. He said this is a major clogging area and asked if can they expect to see construction within one to five years. Mark Ells said they will see construction there next year.

Tom Wilson said he understands the unique nature of Hyannis and questioned whether there would be any implications for the Commission doing the first Chapter H. Jon Idman said the Commission's Chapter A Enabling Regulations sets out what mandatory DRI Thresholds are and Chapter H allows towns to come to the Commission to apply to raise 10,000 square foot thresholds in certain areas. He said Chapter H also allows towns to come to the Commission with lower thresholds.

Chair Harold Mitchell called for public comment from federal, state, municipal officials and the general public.

Felicia Penn, resident of Hyannis, said in general she supports the Chapter H for Hyannis. She said she made a request to the Barnstable Planning Board last year and is requesting again today that five parcels on the Airport Rotary be deleted from the map. She said she was a participant in the town's Hyannis Access Study and is asking for an amendment to the map for two properties owned by the town and three other parcels owned by the Church and one known as Wendys. She said she commends the draft decision and Exhibit B before the Commission today; changes could make it better and she would ask for a motion to amend the map.

Cheryl Andrews asked if the Barnstable Town Manager would be interested in a rebuttal. Mark Ells said he does not entertain a rebuttal due to the unanimous vote of the Barnstable Planning Board and Town Council to move forward with this. He said he respects Ms. Penn's suggestion, but he does not suggest the map be amended or modified.

Fred Chirigotis said traffic is a major issue at the Airport Rotary, Route 28, Route 132 and Willow Street and said it takes years for the State to review that. He said infrastructure is already in place when Route 132 was developed, and it is the economic and industrial part of town; multifamily housing issue is ongoing; regarding water resources Mr. Ells has been working on clean water for about 30 years which is ongoing; and traffic has been addressed and considered. He said this request does not preclude DRI review as the Commission still has the option of a Discretionary Referral. He said it's a vast improvement in Hyannis and he would ask for approval by the Commission.

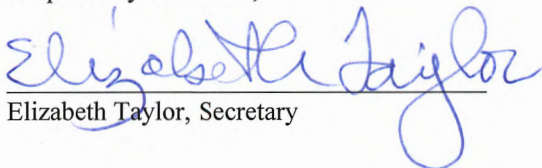
Jack McCormack said he was on the subcommittee and expressed at that time this is what the Commission wants in a Chapter H in a town.

Chair Harold Mitchell moved that the Cape Cod Commission adopt the draft written decision recommended by the subcommittee and approve the Town of Barnstable's request for revised DRI Thresholds in Hyannis as set out in said decision. Jack McCormack seconded the motion and a vote called on the motion passed with 15 votes in favor and one abstention (Jackie Etsten).

■ **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 4:30 p.m. The motion was seconded and voted unanimously.

*Respectfully submitted,*

  
Elizabeth Taylor, Secretary

#### **List of Documents Used/Presented at the April 4, 2019 Meeting**

- April 4, 2019 Cape Cod Commission Meeting Agenda.
- Certificate of Recognition presented to Richard Conron, Bourne Representative to the Cape Cod Commission.
- Draft minutes of the Joint Cape Cod Commission and Metropolitan Planning Organization meeting on February 21, 2019.
- Draft Decision on the Harriet Taylor Conservation Area Development of Regional Impact Exemption.
- Draft Decision on the Town of Barnstable's Chapter H Application.
- PowerPoint slide presentation on the Town of Barnstable Chapter H Application prepared by Elizabeth Jenkins.