ROLL CALL

The Chair, Harold Mitchell called the Cape Cod Commission meeting to order on Thursday, January 23, 2020, at 3:00 p.m., in the East Wing Conference Room, 3195 Main Street, Barnstable, MA 02630. He announced that because Tom Wilson, Chatham Representative, was participating remotely for the meeting, all votes and the quorum count for the meeting would be taken and recorded by Roll Call vote. The Secretary took the quorum count and a quorum of members was established as follows:

<table>
<thead>
<tr>
<th>Town</th>
<th>Member</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnstable</td>
<td>Fred Chirigotis</td>
<td>Absent</td>
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<tr>
<td>Bourne</td>
<td>Stephen Mealy</td>
<td>Present</td>
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<tr>
<td>Brewster</td>
<td>Elizabeth Taylor</td>
<td>Present</td>
</tr>
<tr>
<td>Chatham</td>
<td>Tom Wilson</td>
<td>Present (remote participant)</td>
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<tr>
<td>Dennis</td>
<td>Richard Roy</td>
<td>Present</td>
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<tr>
<td>Eastham</td>
<td>Joy Brookshire</td>
<td>Present</td>
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<tr>
<td>Falmouth</td>
<td>Charles McCaffrey</td>
<td>Present</td>
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<tr>
<td>Harwich</td>
<td>Jacqueline Etsten</td>
<td>Present</td>
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<tr>
<td>Mashpee</td>
<td>Ernest Virgilio</td>
<td>Present</td>
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<tr>
<td>Orleans</td>
<td>Len Short</td>
<td>Absent</td>
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<tr>
<td>Provincetown</td>
<td>Cheryl Andrews</td>
<td>Present</td>
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<td>Sandwich</td>
<td>Harold Mitchell</td>
<td>Present</td>
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<td>Truro</td>
<td>Kevin Grunwald</td>
<td>Present</td>
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<tr>
<td>Wellfleet</td>
<td>Richard Elkin</td>
<td>Present</td>
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<tr>
<td>Yarmouth</td>
<td>John McCormack, Jr.</td>
<td>Present (left at 4:52 pm)</td>
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<tr>
<td>County Commissioner</td>
<td>Ronald Bergstrom</td>
<td>Absent</td>
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<tr>
<td>Minority Representative</td>
<td>John Harris</td>
<td>Absent</td>
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<tr>
<td>Native American Rep.</td>
<td>David Weeden</td>
<td>Present</td>
</tr>
<tr>
<td>Governor's Appointee</td>
<td>Michael Maxim</td>
<td>Present</td>
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Summary of Actions Taken/Votes at Meeting:

- **Approval of Minutes:** The minutes of the January 9, 2020 CCC Meeting were approved.
- **Tractor Supply Hyannis – DRI Public Hearing:** The Commission he'd and closed a public hearing on the project, left the project record open to receive further information from the project applicant, and tabled deliberation and a decision on the project until its next meeting of February 6, 2020.

Public Comment:

The Chairman offered an opportunity for public comment on matters not otherwise on the agenda.
There were no public comments.

Approval of minutes:

The minutes of the January 9, 2020, Cape Cod Commission meeting were reviewed.

Upon a motion by Jack McCormack to approve the draft minutes of 1/9/20, seconded by Stephen Mealy, the motion was approved with 13 yes votes, 2 abstentions.

The Roll Call vote was recorded as follows:

Stephen Mealy, yes; Elizabeth Taylor, yes; Tom Wilson, yes; Richard Roy, yes; Joy Brookshire, yes; Charles McCaffrey, yes; Jacqueline Etsten, yes; Ernest Virgilio, yes; Harold Mitchell, yes; Kevin Grunwald, yes; Richard Elkin, yes; David Weeden, yes; and Michael Maxim, yes.

Tom Wilson and Cheryl Andrews abstained from the vote.

Executive Directors Report – Kristy Senatori

- Staff met with the County Commissioners on 1/22 to review the FY21 budget request
- Staff is participating in the Harwich MVP (multivariant planner) workshop scheduled for 1/31/20
- Staff met with the Clean Water Trust on 1/10/20 on proposed CCIWPF (Cape Cod and Island Water Protection Fund) regulations
- Staff is developing a form-based code training program with the Housing Assistance Corporation, currently scheduled for 2/10/20.
- Staff wrapped up 2019 DLTA (Direct Local Technical Assistance) projects and has begun soliciting projects for 2020
- CCC hosted the quarterly meeting of the new SNEP (Southeast New England Program for Watershed grants) Network on 1/17/20
- Kristy’s annual Board of Selectmen visits start February 3rd and will conclude on April 16th. Commission member representatives are welcome and encourage to attend.
- Copies of the 2019 CCC year in review have been distributed, including to Select boards and broadly through the CCC “Reporter” newsletter. If members are looking for additional hard copies, please let Kristy know.

The Chair thanked Ms. Senatori for her updates.

Tractor Supply Hyannis, DRI Public Hearing

The Chair opened the public hearing session on the Tractor Supply Hyannis Development of Regional Impact by reading the project’s hearing notice and advised that public testimony would be taken during the hearing session.

The Chair asked that the Tractor Supply Hyannis project applicant make its presentation.

Attorney Michael Princi from Princi Mills law in Hyannis, Massachusetts represented the owner/applicant Windmill Square LLC, permitting on behalf of the proposed user of the site Tractor Supply Company. He explained that the project site is a 2.8-acre lot at the intersection of Bearses Way and Pitchers Way in Hyannis, Massachusetts, in a business zoning district. It is also a district designated by
the town in conjunction with the Cape Cod Commission an economic center, with a revised DRI threshold raised to 20,000 square feet. Though the proposed building is less than 20,000 square feet floor area, the project requires DRI review because with the outside storage area of roughly 14,000 square feet, the project exceeds 20,000 square feet of gross floor area as defined under the Commission’s regulations.

He introduced the development team of Craig Ferrari, Down Cape Engineering; Randy Hart, VHB; Stuart Bornstein, Principal of the applicant entity; and Lisa Dillon, a Representative of Tractor Supply Co.

Mr. Princi gave an overview of the project and stated that, prior to formal DRI review with the Commission, the project had been under discussion informally with town of Barnstable and Cape Cod Commission staff for nearly two years. It has gone through many iterations through those discussions with staff. The site sits across the street from the main commercial center of Hyannis along Route 132 and Beares Way. There is a Cumberland Farms, Jiffy Lube, Napa Auto Supply, Holiday Inn and the Hyannis Elks nearby. He said that here is one residential site directly across Pitcher’s Way from the site on Schooners Lane. He explained that Tractor Supply Co. commonly refers to itself as a lifestyle store. It’s been in existence since 1936. They started in rural communities offering specialty rural products, tractor parts and equipment, farming equipment, livestock supplies, equine, livestock, cat and small animal products. They typically hire and train within the local community. He said that the development team tried to preserve some of the more mature trees on-site and tried to locate the building in such a way as to allow for improved screening from the residential community nearby. He discussed that the exterior lighting and site was designed to keep most of the limit impacts, including traffic, to residential development on Pitcher’s Way. He said that the development team had done extensive studies about traffic and do not believe that Tractor Supply Store will not generate a substantially significant increase in the traffic different than the current, regular primarily commercial traffic flow through the area. He added that Mr. Hart would go into the more detail about traffic. Attorney Princi noted that the site is connected to municipal water and municipal sewer.

He noted that the applicant has been working with the town on an easement for the proposed bike path, which would traverse the site. The applicant is also offering a sidewalk over the western portion of the site, to be constructed by the applicant along with a crosswalk at Schooners and a crosswalk at the apex of the site, triangular in shape. He said that residents had expressed concerns with traffic safety during the project hearings. He said that the proposed crosswalk and the sidewalk would in fact make it safer for people from the developments west of Pitchers Way to cross over to Beares Way and other points east.

Mr. Princi turned the presentation over to Randy Hart principal with VHB to talk in more detail about traffic issues. VHB had prepared the traffic impact and access study for the project. Mr. Hart made a presentation with the assistance of PowerPoint slides.

He stated that there were a lot of questions asked by the public and subcommittee members to include traffic generation. He said we typically use the Institute of Transportation Engineers traffic generation manual when looking at retail facilities, but when you look at Tractor Supply, it’s a very unique type of retail, and there really isn't a category that fits it. He said we went out to three local Tractor Supply facilities in the region: East Wareham, Millberry, and Lester. Mr. Hart reviewed the statistics for those three facilities as being comparable to the current site under review.

He said they developed a site plan for comparison purposes which wouldn't have any commission review for the proposal depicted on the plan. He said the team wanted to show what could be developed as an alternative under town zoning and without Commission review. He reviewed a plan entitled “Potential Development for Comparison” which contained the uses: a 9,900sf discount retail, a 4,250sf retail and a
He said Tractor Supply will have a connection to existing sidewalks and provide a crosswalk with a sidewalk with direct entry into the facility. He added that by providing the easement for the multi-use path, there will be a separation between the multi-use path and the edge of the roadway creating a green buffer which is a more friendly environment for pedestrians and bicycles. Finally, he said that the applicant would be instituting a traffic demand management program to encourage multimodal access to the facility, an alternative mode to motor vehicle travel. He said the applicant is proposing both safety and capacity enhancements at Route 132 and the Bearses Way intersection, and a fair share payment towards implementing potential improvements in the future at Pitchers Way and Bearses Way, in addition to the crosswalk enhancements that will be physically constructed.

Craig Ferrari, Down Cape Engineering, Inc. presented the site plans for the project. He reviewed the outdoor display areas, the project building containment relative to the town’s groundwater protection district and corresponding regulations. He said a new Grasscrete fire truck access is proposed so that as necessary a fire truck can access the site and exit back out onto Pitchers Way. He discussed site stormwater management features like rain gardens. He said his firm worked with a landscape company Hawk Design on the landscape site plan, which contains a diverse mix of plantings to help break up the building facade with numerous plants including larger trees as well as smaller shrubs. He especially noted the landscape screening from the vantage point of Schooner Lane. He noted that there are a few existing specimen trees in the west portion of the site that will be retained.

Mr. Princi added that in response to the concerns voiced by the public at the project hearings, the applicant re-oriented the building to reduce the size of the proposed outdoor storage area and the pickup area. He landscape changes were made as a result of public comment. He also said the applicant has made a commitment to install larger trees as part of the landscape plan. He said that the proposed landscaping essentially screens the building almost in its entirety.

The Chair thanked Mr. Princi for his presentation and asked the Cape Cod Commission staff to make their presentation.

Jon Idman stated that the subcommittee members should discuss their experience with the project related to the hearings and meetings they held. He described the key points that were reviewed by the subcommittee and how it arrived at its recommendation, which recommendation is reflected in the draft decision. He explained that staff spent nearly two years with the project, including the time staff reviewed the application, as well as approximately a year doing due diligence discussions with the applicant prior to any filing of an application with the commission. Those discussions really focused on how the applicant could achieve consistency with the relevant Regional Policy Plan goals and objectives. The subcommittee had five proceedings including two hearings at which it accepted public testimony. The subcommittee fielded a number of concerns, primarily from those in the residential neighborhoods, west of Pitcher's Way. The subcommittee had discussions with the applicant over the full course of the proceedings, reviewing iterative versions of the design, requesting design changes and requesting further information from the applicant to the end of ensuring that the project was consistent with the relevant Regional Policy Plan goals and objectives. There were concerns expressed by the public and subcommittee and the applicant in particular tried to mitigate or ameliorate the effects of the development on those neighborhoods west of Pitchers Way based on the concerns voiced.
He stated that the staff and subcommittee focused on community design, transportation and water quality, the latter particularly with respect to hazardous material and waste storage. He said that the decision's benefit and detriment section, which contains the probable benefit and detriment that the subcommittee recognized in its review, do a good job of framing one of the fundamental questions at issue in this case, which is whether the site is in an appropriate location to develop for the type of retail development proposed.

Mr. Idman said it's also important to note the subcommittee's recommendation of the benefits and detriments it recognized through its review including the way the subcommittee felt that those should be weighed relative to one another. He stated that this project still needs local review.

Mr. Idman identified correspondence and materials from the town in the record, including three letters referencing the project's consistency with Barnstable's Local Comprehensive Plan, with local ordinances and initiatives, and laying out what the town feels are the required local permits. In this case, there will be an opportunity for discretionary review by the Zoning Board of Appeals. He said if you see fit to approve this project, it will go through discretionary review by the town's Zoning Board of Appeals, because of some of the relief that's required for things like the storage of hazardous materials.

The Chair thanked Mr. Idman for his presentation and announced that there would be a 15-minute break. The meeting recessed at 3:45pm.

The Chair reconvened the meeting at 4:00 pm and asked everybody to please check their phones to make sure they are turned off. He explained that we are going to start with the commission members initial questions and comments.

First will be Tom Wilson, who served on the subcommittee and who is participating remotely.

Mr. Wilson stated that as part of the subcommittee DRI review process, the subcommittee received significant public input. Many residents along Pitcher's Way came before the subcommittee and spoke. Basically, the areas of concern included that Tractor Supply was a big box store and not in character with the neighborhood, concerns about the adequacy of screening the store from Schooners Lane and concerns about adverse impacts from traffic, like increased congestion and that the rear delivery area would continue to be a cut-through between Pitcher's and Bearses Way. There was concern voiced about the selection of sites that were used in the traffic study to compare the Hyannis store with other Tractor Supply stores. There was also a lot of concern about pedestrian and child safety on Pitchers Way. The subcommittee also heard from many residents about hazardous materials to be sold there. The subcommittee did receive email letters from people who were in favor of the Tractor Supply Store.

He noted some of the circumstances of the project that resonated with him. The site is part of the regional commercial center strategic planning area and the Hyannis economic center. Per the Barnstable Planning and Development Department this project is consistent with Barnstable's Local Comprehensive Plan. The surrounding development is primarily commercial including Jiffy Lube, Napa, Cumberland Farms and Holiday Inn. He recognized the proposed retention of natural forest cover on the northern end of the site and that a large portion of the site would be vegetated and pervious. He also noted that permeable pavers will be used in the outdoor storage and display area. He noted the project creates pedestrian and bicycle amenities to improve safety by creating a sidewalk and crosswalk on Pitcher's Way and by donating an easement on Bearses Way to support a shared use path.

Mr. Wilson said in his opinion, the transportation mitigation aligns well with the Regional Policy Plan Transportation goals and objectives. He said the applicant proposes two acres of offsite open space mitigation, helping meet Regional Policy Plan open space goals and objectives. The project is to be
connected to municipal water and sewer and is not located in a natural or recreational resources area. The applicant significantly enhanced plans for the proposed vegetated buffers between the site and the residential development, minimizing the visual impact of the store also along Barnes Way. The applicant enhanced the facade of the building and the orientation of the building on the site to benefit the surrounding development to lessen the visual impact of the side and rear of the store on the residential neighbors. The applicant is also using dark sky compliant lighting, adjusted driveway openings and a tractor trailer delivery pattern in response to subcommittee and public concerns. He said the applicant is installing roof mounted solar panels to meet the majority of the site energy needs. He also stated that the project adds variety to the region's retail marketplace. He said in terms of the hazardous materials and waste sales and storage, there will be a 2500-gallon containment tank for the building to prevent the release of hazardous materials and waste to groundwater and the environment. The subcommittee discussed probable detriments, one being that the project site is currently a vacant, undeveloped site, and another is there is a residential development to the west of the site across Pitchers Way.

Mr. Wilson stated the subcommittee recommended approval of the Tractor Supply project because in their opinion, the probable benefit outweighs the probable detriment. The site is appropriately sited in and promotes a commercial area and is consistent with the town's LCP. The applicant minimized environmental impacts by using permeable pavers, maintaining some natural forest area, connecting to municipal sewer and water, enhancing the building and landscape design to integrate the project into the surrounding area and creating pedestrian and bicycle amenities that significantly improves safety.

The Chair thanked Mr. Wilson for his comments.

The Commission Chair stated that he also Chaired the subcommittee for this project. He said there were several hearings and meetings. The important issues included the landscaped buffer zones, the bike and walking trails, the amount of traffic and the fact that this property is right against the residential development on the west side of Pitchers Way. He said that given the facts before it and the proposed mitigation the subcommittee’s recommendation to approve is appropriate. The subcommittee worked to minimize the visual impacts of the building and outdoor storage area cooperatively with the applicant. The applicant agreed to gate the back-delivery area to not make it a vehicle cut through. He said that the review was not an easy process and the subcommittee deliberated back and forth for several weeks. He concluded by stating that the subcommittee did recommend approval of the project for the reasons discussed.

The Chair opened up the floor for initial member comments

Cheryl Andrews questioned the cut through from Pitchers Way to Barnes Way and the proposed gate in the middle and its purpose.

Mr. Princi explained that the gate was moved to the loading dock to avoid a 65-foot trailer truck waiting to enter on Pitchers Way.

Elizabeth Taylor commented that this is in a zone 2 and in the Lewis Bay Marine water charged area. Will plants be sold on the site that would need to be watered or fertilized.

Mr. Princi stated that the plants for sale would not be fertilized.

Ms. Taylor noted that the plan has a lot of green and questioned if there was some lawn. Mr. Idman indicated that there is lawn and bioretention area. He added that there is a turf management plan with the program, and they've agreed to limit pesticide use with Integrated Pest Management (IPM) but also limit fertilizer use consistent with the town of Barnstable DCPC fertilizer management ordinance.
There was a discussion about the invasive species on the property and how they would be treated. Staff stated an invasive species management plan has been provided. It was also confirmed that English Ivy is invasive, not Boston Ivy which is being used on the fencing.

Joyce Brookshire commented on the roof lines; the applicant stated that solar panels will take up a substantial amount of the roof. She also asked about the light. The lighting plan that was reviewed by the committee shows that it is self-contained within the area.

Jacqueline Etsten expressed concerns with traffic impact created by delivery trucks and the amount of deliveries to the location. Mr. Princi said that based on Tractor Supply statistics, 3 deliveries a week is the average based on history of sales. She also asked for clarification of wages.

Ms. Etsten stated concerns about the visual impacts to the area. She suggested an 8 foot high cedar fence at the north and south end. She commented on the slats within the wire fencing and the maintenance of them. She asked if Tractor Supply would use industrial steel containers for additional storage.

Mr. Princi stated that after the building was tilted at the request of the staff additional screening was added. Steel containers will not be used for storage. He stated that the subcommittee looked at this, the original was one row of trees but a second was added and they will be full size trees.

The Chair followed up with by stating that this was reviewed in the Subcommittee meeting and the Committee thought it was good coverage after working through some changes with the applicant.

Kevin Grunwald commented that he was impressed by the modifications made to the project based on comments from the public and subcommittee. He asked about the products that Tractor Supply would have available that are currently not available on Cape Cod. Mr. Idman stated that this is the first Tractor Supply on Cape Cod and it adds variety, operations and product offerings to the Region.

Mr. Grunwald questioned if the site is located in an environmental justice area and Mr. Idman stated that it was not.

David Weeden would like to see stronger language in the vegetative buffers suggesting tighter density to satisfy visual concerns.

Mr. Weeden asked if an archaeological study had been conducted on the property and feels that one should be conducted because it is undeveloped and there are ponds in the general mile or so are around the site. Mr. Princi stated that in his observation a wastewater treatment facility is right next door and a residential subdivision across the street as well as surrounding commercial and road development all around the site. He said there is nothing to indicate in any town records that there was any indication of any sensitive or necessary archaeological activity. He doesn’t feel that it’s necessary for the applicant to go through the expense at this point in the project. Mr. Weeden added that because the surrounding locations did not have archaeological review doesn’t mean that nothing is there, it may be that it wasn’t recorded.

Ms. Brookshire asked about the disposal of hazardous waste for disposal from customers. Mr. Princi explained that those materials will be kept in 55-gallon drums until full in a contained area a licensed company will be contacted for removal. Mr. Idman added that they will be a limitation in the amount of waste that can be stored on the property.
Mr. Mealy asked how the determination of a placetype as a Suburban Development Area was made. Mr. Idman stated that with the Regional Policy Plan there are several placetypes. Given the surrounding characteristics and the type of use and development involved this should be treated as a suburban place type where the goal is to improve the development quality and function in the area.

The Chair closed questions for this round. He stated that there are 6 or 7 people that would like speak. Gerald Madigan will be representing his neighborhood therefore will be allowed additional time to comment. Before moving on to public comment the Chair opened the floor to Federal or State officials who would like to speak to the project.

Paul Wackrow, Town of Barnstable, Planning and Development stated that the project is consistent with the town's local comprehensive plan, which identifies this parcel as part of the regional commercial center strategic planning area. He said that the site is undeveloped and does not have any history of permits or development on it. In terms of zoning, the property is in our general business district which allows retail. He noted that the site directly abuts the residential zoning district. The project is compatible with local transportation goals, as the applicant has proposed to donate an easement along Bearse's Way to allow for a shared use path planned by the town, which will be an important link between an existing path and route 132 and a portion of a path of Bearse's Way south of Route 28. The applicant also proposed to donate an easement and to construct a pedestrian sidewalk along Pitcher's Way which includes a mid-block crossing with warning signage and potentially beacons along with crosswalk at the Bearse's and Pitcher's Way intersection. Should the commission approve this project, the local site plan review process will continue and it's anticipated that relief will be needed from the Zoning Board of Appeals for the storage of hazardous materials within the groundwater protection overlay district, and this will require a public hearing. Relief may also be necessary for the reduction in the number of required parking spaces and required landscape buffers. He noted that the level of time spent on discussion between applicant and staff with this project is somewhat unique. There are several uses and site configurations that could take place here that would proceed as of right without need for approval from our Zoning Board of Appeals or the Cape Cod Commission or any public hearing.

Gerald Madigan, resident of Settlers Lane, Hyannis spoke in opposition to the project. He stated that there have been violations reported against Tractor Supply from the EPA and OSHA. He submitted documentation in support of these claims and said they were submitted to the Cape Cod Commission in November and are available for viewing on the website with his previous comments. He has concerns about the potential detrimental impacts of the project on public drinking water supplies and about traffic and pedestrian safety. He cited the Commission's own intersection safety study which cites crashes at several intersections in vicinity to the project. He believes that the applicant's traffic study is flawed.

Denna Madigan, resident of Settles Lane, Hyannis, stated that the Cape Cod Commission was established to protect the unique values and quality of life on Cape Cod and doesn't understand how Tractor Supply fits into this mission. There is a neighborhood adjacent to the property and they do not want this project. 400 plus residents are concerned about the increase in unsafe in difficult traffic. She expressed concern about increased pedestrian use due to the bike path and she also has concerns about the traffic data. She expressed concerns how a supply business supports the local economy when the profits go to the national company outside Cape Cod. Ms. Madigan submitted her comments in writing.

Todd DeLuca, President and CEO of the great Hyannis Chamber of Commerce, stated that he enthusiastically supports the development and wanted to express our appreciation to the applicant for hanging in there for two years to develop this piece of property. He feels that the development is in keeping with the town's economic development goals, that the economic development buttresses the town's economic needs, and it provides a source of new products to consumers in and around Hyannis and
Barnstable. We are sensitive to the residents but think that the applicant has gone out of his way to hang with the project and went to expense to try to mitigate these perceived concerns.

Susan Silverstri, a direct abutter to the project, talked about Tom Cambareri and his experience as a Hydrologist previously employed by the Cape Cod Commission. She read comments from a letter that had been submitted to the record from Tom Cambareri who is against the project.

Gail Gates, resident and abutter of the project, expressed concerns regarding the traffic study and high crash location. She also mentioned other retail stores nearby that she felt had similar products to Tractor Supply. She expressed concerns about the fines from EPA and OSHA against Tractor Supply and the chemicals from the store she feels may leach into the groundwater. She doesn’t feel that we need this type of development.

Tara Ramos, resident and abutter expressed her continued opposition to the project. She feels the major issue is traffic, safety and the misrepresentation of the traffic studies. She also submitted a letter on behalf of her acquaintance Andi Carole in opposition to the project.

Salvatore Bonanno, owner and resident in Schooner Lane, stated that he has many arguments against this project but feels disrespected by this board in limiting comments to three minutes apiece. These are important issues that affect many people. He doesn’t feel that there is adequate time to speak.

The Chair allowed more time for Ms. Silvistri to complete her comments. Ms. Silvestri completed reading her letter from Tom Cambareri.

The Chair closed the public comment and moved to additional questions from the Members.

Charles McCaffrey commented that hazardous materials are of obvious concern. What is the recourse if a condition is violated? Mr. Idman stated that the Commission works with the town first as the decision relates to the town’s permitting. He said we also have the authority under the Commission Act to go to court to enforce our decisions.

The Chair stated that at this time, we will need to determine how to proceed. He said that the CCC could close the public hearing today and hold a vote at a later date to give everyone an opportunity to go over what they’ve heard, or the CCC could vote the project today.

Mr. Idman discussed the considerations of closing the public hearing vs. leaving it open and voting on the project vs. delaying the vote to another proceeding. He also listed some matters raised during the hearing that the members might want to discuss further:

- Whether to RRFB – Rectangular Rapid Flash Beacons on Pitcher’s Way midblock crossing;
- The need for a revised architectural plan to depict wrapping the siding at the southwest corner of the building as requested by the subcommittee;
- Whether to require an Archeological Survey prior to construction;
- Whether to prohibit the use of glyphosate to manage invasive plants on-site;
- Whether to require cedar fencing along the length of the fenced outdoor storage area

Mr. Idman explained that by closing the public hearing you’re not going to take more testimony.

Upon a motion by Kevin Grunwald to close the public hearing, seconded by Ernest Virgilio, the motion passed unanimously with 13 members in the affirmative. The Roll Call vote was recorded as follows:
Stephen Mealy, yes; Elizabeth Taylor, yes; Tom Wilson, yes; Richard Roy, yes; Joy Brookshire, yes; Charles McCaffrey, yes; Jacqueline Etsten, yes; Ernest Virgilio, yes; Cheryl Andrews, yes; Harold Mitchell, yes; Kevin Grunwald, yes; Richard Elkin, yes; David Weeden, yes.

The Chair asked if the members wanted to deliberate and vote on the project at today's meeting.

Mr. Mealy expressed concern about the Archeological Study as he is not familiar with the procedure. Mr. Idman stated that as a condition of the decision, you could require the applicant to conduct an Archeological Study per Massachusetts Historical Commission regulations. It would be a condition of the decision to conduct study before any construction activities take place. He added that it would have been fair to put the applicant on notice for this before they did any sort of development activity or earlier in the review process, as a matter of project due diligence. Mr. Wilson said he would like to hear from other members and does not support the requirement for a study in this case but would suggest that the need for archaeological surveys as part of the DRI review be added to a future agenda to consider as part of a new technical bulletin.

Mr. Wilson added that he has been involved in this project since October. There have been a number of meetings, subcommittee hearings and amount of work going into this and the amount of discussion has been substantial. He has difficulty saying we need to add a new step and requirements to the process at this time. He is in favor of the conditions as presented.

Ms. Etsten stated that she asked that the chain link and plastic fence be replaced with an 8-foot cedar fence.

Ms. Brookshire asked about the voting process. Mr. Idman suggested voting to accept new requirement and decision conditions individually as necessary. He added that the project is in the DRI decision period which is 60 days.

Jacqueline Etsten moved that the Commission to continue deliberation on the project to its next Commission meeting on February 6, 2020. Motion was seconded by Charles McCaffrey. Ms. Esten amended her motion to have the Commission to continue deliberation on the project to its next Commission meeting on February 6, 2020 and to leave the project record open to receive further information from the applicant responsive to the Commission’s questions at today’s hearing. Motion was seconded by Elizabeth Taylor. Following a technical issue with the on-screen voting and roll call vote conflicting (on screen showed 7 in favor, 6 opposed, roll call showed 6 in favor, 7 opposed, with the following roll call: Steven Mealy, yes; Elizabeth Taylor, yes; Tom Wilson, no; Richard Roy, yes; Joy Brookshire, yes; Charles McCafferty, yes; Jacqueline Etsten, yes; Ernest Virgilio, no; Cheryl Andrews, no; Harold Mitchell, no; Kevin Grunwald, no; Richard Elkin, no; David Weeden, no), the vote was re-taken.

The Chair called for the Roll Call to be re-taken on whether the Commission would continue discussion and deliberate at its next Commission meeting and leave the record open: Roll cell vote was taken and recorded as follows:

Stephen Mealy, yes; Elizabeth Taylor, yes; Richard Roy, yes; Joy Brookshire, yes; Charles McCaffrey, yes; Jacqueline Etsten, yes; Ernest Virgilio, yes.

Tom Wilson, no; Cheryl Andrews, no; Harold Mitchell, no; Kevin Grunwald, no; Richard Elkin, no; David Weeden, no.
The motion carried 7-6, and the Chair announced that the Board would deliberate on the project at its next meeting on February 6, 2020.

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

There was no new business raised.

**ADJOURN**

Upon a motion to adjourn the meeting at 6:17 pm by Stephen Mealy, seconded by Elizabeth Taylor the vote was passed unanimously. Roll call vote was taken and was recorded as follows:

Stephen Mealy, yes; Elizabeth Taylor, yes; Tom Wilson, yes; Richard Roy, yes; Joy Brookshire, yes; Charles McCaffrey, yes; Jacqueline Etsten, yes; Ernest Virgilio, yes; Cheryl Andrews, yes; Harold Mitchell, yes; Kevin Grunwald, yes; Richard Elkin, yes; David Weeden, yes,

**List of Documents Used/Presented/Submitted at the January 23, 2020 Cape Cod Commission Meeting**

January 23, 2020 Cape Cod Commission Agenda
Draft Minutes of the January 9, 2020 Cape Cod Commission meeting
Draft Decision, Tractor Supply
Presentation from Michael Princi
Presentations from VHB
Presentation from Down Cape Engineering
Email copy of message to Gerry and Donna Madigan from Natalie Pittenger dated 1/21/20 containing an email from Andi Caroli to Julian Cyr
Letter from Gerry Madigan on the Tractor Supply project
Letter from Tom Camberari on the Tractor Supply project

Elizabeth Taylor, Secretary

Date