

Executive Committee Draft Meeting Minutes
Virtual meeting by remote participation
December 16, 2021

Chairman Harold Mitchell called the meeting to order at 2:00 pm.

The Chair announced that the meeting was being held virtually as allowed pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, with all members participating remotely. He reviewed instructions about how the public could participate remotely using Zoom. The Chair further announced that all votes and other actions would be taken by roll call and that the names of the remote participants would be announced as roll call was taken.

Roll was called as follows:

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| Harold Mitchell | Present |
| Elizabeth Taylor | Present |
| Stephen Mealy | Present |
| Kevin Grunwald | Present |
| Richard Roy | Joined at 2:04 pm |

Review and approval of prior meeting minutes: Upon a motion by Stephen Mealy, seconded by Kevin Grunwald, members voted by roll call to approve the Executive Committee meeting minutes of 12/2/21 as follows:

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| Harold Mitchell | Yes |
| Elizabeth Taylor | Yes |
| Stephen Mealy | Yes |
| Kevin Grunwald | Yes |

Executive Director's Report: Executive Director Kristy Senatori updated members on some recent Commission activities but indicated she would hold the full list of updates for the full Commission meeting.

- MEPA has issued revised regulations to address environmental justice (EJ); we continue to work with their staff as this will impact our regulatory program
 - Projects within one mile of EJ population will require an Environmental Impact Report (EIR) and automatically become a Development of Regional Impact (DRI)
 - If air quality is impacted within five miles of EJ population will be EIR/DRI
 - May need to make amendments to our regulations so that projects that may now require EIRs as a result of MEPA amendments but would otherwise not trigger DRI review and are not of regional significance, do not need to go through a full DRI process.

- Potential increase in DRIs, based on last couple of years, could be 40%
- May be bringing suggested amendments to regulations. Don't want to burden the commission just because of MEPA changes if not significant to the region.
- Still interviewing for Regulatory Planner.

Chapter C of Cape Cod Commission Regulations: Commission staff and Committee members identified and discussed topic areas for a potential review of Chapter C of the Cape Cod Commission Regulations of General Application, the process for amendment to the Cape Cod Commission Regional Policy Plan (RPP.)

Jessica Wielgus used PowerPoint slides to recap the committee's discussion from the December 2nd executive committee meeting. Potential topic areas for discussion include process, designating a person with whom to file a petition for amendment; designating a method on how to file; and timing, including a deadline for filing such as a timeframe after the Commission approves its five-year review of the RPP. Ms. Wielgus reported that she reviewed other jurisdictions and the county but found no format for filing. Certification of a petition should be done by clerical staff to ensure requirements are fulfilled. For the Assembly of Delegates and Barnstable County Commissioners, the County Clerk would certify. A citizens' petition for the Commission should be certified by the town clerk in each municipality and perhaps have a requisite number of signatures. The current requirement is 100 but doesn't reflect the majority of voters. A review of other petition requirements revealed that the Assembly of Delegates requires 3% of the population and not more than 25% of those signatures from one town, the Town of Barnstable uses 10%, Tahoe Regional Council allows its Executive Director to bring a petition forward; FL requires 8% of its voters. Diverse set of requirements. One percent of the Cape's population is 1,836 with the Secretary of State responsible for calculating the number of voters each year. The Commission may also consider how a petition affects the administration of its planning and regulatory functions and if there are other state, federal or municipal laws that better address the issue.

Chairman Mitchell said he thinks 1% of population would be a good basis for requirement, certified by town clerks. He suggested that while unfortunate that part time residents are excluded, there is no way around it. Also, no more than 50% of signatures from one region (upper, mid, lower, outer) would be appropriate. He suggested petitions should be submitted via certified mailed to the Commission's clerk or executive director.

Stephen Mealy agreed that 1% is a reasonable number. Members discussed how regions would be calculated; Ms. Wielgus said the general practice across the board is no more than 25% from any particular jurisdiction. Trying to calculate regional numbers could lead to potential error. Towns are used elsewhere, not region, and are certified by town clerks. Mr. Mealy and Mitchell were good with that approach.

Kevin Grunwald asked for clarification that the county has its own 3% requirement but the Commission doesn't need to follow that method. Ms. Wielgus responded that Chapter C governs how the RPP is amended. He also strongly advocated to not allow nonresidents to sign the petitions.

Elizabeth asked staff how the Commission would amend this procedure. Ms. Senatori said that staff will draft language based on these comments for executive committee members to review in January meeting before going to the full commission. As Chapter C is an ordinance, amendment requires a Commission public hearing, then the Assembly of Delegates process.

New Business: None

Adjourn: Upon a motion by Elizabeth Taylor, seconded by Kevin Grunwald, members voted by roll call to adjourn at 2:31pm as follows:

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| Harold Mitchell | yes |
| Elizabeth Taylor | yes |
| Stephen Mealy | yes |
| Kevin Grunwald | yes |
| Richard Roy | yes |

Documents used/received:

Draft Executive Committee minutes for December 2, 2021

PowerPoint slides for discussion of Chapter C