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**Minutes  
Cape Cod Commission Meeting  
January 27, 2022**

Harold Mitchell, Chair called the Cape Cod Commission (CCC) meeting to order on Thursday, January 27, 2022 at 3:00 p.m. He announced that the meeting was being held virtually with all members participating remotely, using the Zoom meeting platform as allowed by Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021. The Chair announced that all votes and actions at the meeting would be taken by roll call and that the members would be announced as roll call is taken. The Clerk called the roll for attendance and a quorum of members was established as follows:

Harold Mitchell	Present
Stephen Mealy (Vice Chair)	Present
Elizabeth Taylor, (Secretary)	Present
Fred Chirigotis	Present
Tom Wilson	Present
Richard Roy	Present
Joy Brookshire	Present
Robert Mascali	Present
Jacqueline Etsten	Present
Ernest Virgilio	Present
Douglas Fromm	Present
Kevin Grunwald	Present (left @ 4:00 p.m.)
Richard Elkin	Present
Dennis Prebensen	Present
Ronald Bergstrom	Present
John Harris	Present
David Weeden	Present (arrived at 3:18 p.m.)
Michael Maxim	Present

**Summary of actions/votes taken**

- The Subcommittee voted to approve the minutes of the December 14, 2021, and January 3, 2022 Blue Sky Towers hearing/meeting minutes
- The Cape Cod Commission voted to postpone action on the proposed Chapter A amendments and the Delegation of Authority agenda items for at least a 6-month time period.
- The Cape Cod Commission voted to approve the proposed amendments to Chapter C of the Cape Cod Commission Regulations of General Application including amending the proposed amended number of required signatures for a citizen's petition from 1% to 750 registered voters and forwarding the proposed amendments to the Assembly of Delegates for adoption by ordinance.

## **Public Comment**

John Ale made a comment on the 35 Scudder Ave, Hyannis project. He said his comments are not directed to the merits of the project. On January 5, 2022, the Regulatory staff issued a letter stating that the file is complete. Barnstable's Town Conservation Commission had voted that its approval is not required to fill a 25,000 sq ft pond under the wetlands protection act regulation. On Jan 5. 2022, 13 neighbors filed an appeal with the Conservation Commission determination with MassDEP and just over 2 weeks ago, counsel for that group notified the Chief Regulatory Officer that the file should not be considered complete given the possibility that MassDEP will determine that filling the pond requires conservation commission approval. Mr. Ale suggested that to conserve the Commission's resources as well as the applicants and other interested parties, the review process should say "pending the outcome of the appeal and any subsequent decision regarding the pond". He also said that since posting the letter there are various other application materials that have been posted to the Commission's Website. He respectfully stated that the file is not complete at this time and said to wait until these important aspects are finalized.

The Chair thanked Mr. Ale for his comments and turned the meeting over to the Chair of the Blue Sky Towers Subcommittee for voting of the subcommittee minutes.

## **Subcommittee meeting minutes of the December 14, 2021 Blue Sky Towers Hearing**

Upon a motion to approve the minutes of the 12/14/21 Blue Sky Tower Subcommittee meeting by Richard Elkin, seconded by John Harris, the motion carried. Roll call vote was as follows: Stephen Mealy, Yes; Ernest Virgilio, Yes; Richard Elkin, Yes; John Harris, Yes

## **Subcommittee meeting minutes of the January 3, 2022 Blue Sky Tower Hearing**

Upon a motion to approve the minutes of the 1/3/22 Blue Sky Tower Subcommittee hearing by Richard Elkin, seconded by Ernest Virgilio, the motion carried. Roll call vote was as follows: Stephen Mealy, Yes; Ernest Virgilio, Yes; Richard Elkin, Yes; John Harris, Yes

The Chair asked for the next agenda item.

## **Executive Directors Report**

Kristy Senatori gave the following updates:

### Climate Action Plan

Climate Ambassador Program had kick off meeting on Jan 18th  
They meet again next week and CCC staff will review elements of the climate action plan and Cape-specific greenhouse gas emissions and climate impacts  
Continuing to participate in Climate Collaborative as member of Advisory Board  
Steve Tupper is participating on the 5Cs Special Committee on Energy, Transportation and the Built Environment.

### Meetings/Speaking engagements

Participating in CDP board of directors' meeting this evening  
Erin Perry and I will be presenting the new and second homeowner survey results to the Cape Cod and Island Association of Realtors (CCIAOR) membership on February 1st  
Presenting at the Leadership Cape Cod economic development session on February 3rd  
Presenting the Fiscal Year 2023 budget request to the County Commissioners on February 9th  
Presenting at the March 1st Greater Hyannis Chamber of Commerce annual Economic Forecast meeting

### Regulatory

Anticipate public process will begin soon on both the 35 Scudder Ave and the Wilkens Development Agreements; She thanked Commission members for participating in the Subcommittees.  
Alexander Peterson will start work on February 28th as Regulatory Planner II. He received a Juris Doctor degree from Duke University and a Bachelor of Arts in Environmental Studies from Rollins College.

### Staff Updates

Looking to fill three summer traffic technician positions – typically college students interested in engineering or planning.

### COVID-19

Cape Cod Commission will continue to meet remotely.  
As it relates to the Open Meeting Law - House voted to extend the additional emergency provisions to related to remote virtual meetings through July 15, 2022, we anticipate the Senate will vote this week; currently these provisions expire on April 1, 2022.

Ms. Senatori said to stay safe in the snow this weekend.

**Public Hearing:** Chapter A of the Cape Cod Commission Regulations: Cape Cod Commission will conduct a public hearing and may discuss and vote whether to approve and forward to the Assembly of Delegates amendments to Chapter A, the Cape Cod Commission Enabling Regulations Governing Developments of Regional Impact (DRI). These amendments define an exemption process for projects that qualify as DRIs resulting from recent amendments to the Massachusetts Environmental Policy Act (MEPA) M.G.L. c. 30§§ 61-62I and its regulations.

Ms. Senatori stated that there were recent amendments to the MEPA regulations that require that an Environmental Impact Report (EIR) be prepared for projects that are within 1 mile of an Environmental Justice Community; the radius extends to 5 miles if a project potential affects air quality. In accordance with the CCC Act, projects that require an EIR with MEPA are considered a DRI unless they qualify for an exemption from that review. The CCC Act provides an exemption in section 12K of the CCC Act. The changes to the MEPA regulations are expected to result in a significant increase in the number of projects of approximately 40% that potentially would require Development of Regional Impact (DRI) review. To address the projects that do not have regional impacts, the amendments proposed for consideration create a process by which the projects are considered for exemption through a streamlined process by the Committee on Planning and Regulation. These amendments have been thoroughly reviewed by staff and presented to both the Executive Committee and the Committee on Planning and Regulation (CPR) which both voted unanimously to recommend the amendments.

Ms. Velozo has been working with the MEPA office as changes to the MEPA regulations evolved and became final. She stated that Commission Counsel is going to review the changes and the process after which staff will be available for questions.

Using a power point, Jessica Wielgus, Commission Counsel, reviewed the proposed changes. She noted that there was an Environmental Justice component in the Climate Bill, which amended MEPA (M.G.L. c. 30§§ 61-62I /its regulations). As has been stated, an Environmental Impact Report (EIR) is required if within 1 mile of EJ population, if affects air quality, within 5 miles of EJ population. Any project for which EIR required under MEPA is a DRI under Enabling Regulations. She noted that there was an expectation that these new regulations would automatically send projects to the CCC that were not necessarily regional in nature, but technically qualified to be considered as DRI'S. She explained that there is currently a provision for a DRI exemption from CCC review that exists in Section 12 (k) of the Cape Cod Commission Act, where a project's location, character and environmental effects prevent its having any significant impacts on values and purposes protected by the CCC outside the municipality project is located. She explained that the proposed amendments extend an existing DRI exemption process and allow the Commission's Committee on Planning and Regulation to consider whether these projects may be exempted from CCC review. She noted that the Commission could delegate its authority to this Committee to serve this purpose. She then reviewed slides which showed the redline insertions into the Enabling Regulations Governing the Review of Developments of Regional Impact and explained how this process could be expanded to provide for this review. She reviewed how the amendment was added and addressed some process concerns related to aligning the MEPA review with the timing requirements of the CCC Act. She also explained language that allowed the CCC to utilize factual findings from the MEPA review.

The Chair thanked Ms. Wielgus for her presentation and asked for member questions and comments.

Mr. Elkin asked what the precedent is for the delegation of authority from the full commission to a subcommittee without subsequent review by the full Commission.

Ms. Wielgus explained that Section 4 (12) of the CCC Act it gives specific authority to the Cape Cod Commission to delegate its authority to a subcommittee to carry out its responsibilities under the Act. Mr. Elkin asked in what instance have we done so. He is skeptical of delegating authority to a subcommittee – he is more comfortable with the final approval being by the entire commission. Ms. Wielgus noted that the Commission has delegated its authority many times, has specific delegations of authority in its regulations and stated that there will be many projects coming forth for review that do not have regional impacts. The intent of this amendment is to create a streamlined process for those projects only.

Ms. Etsten stated that in response to the question being raised, she is concerned about the delegation of budgets to the Executive Committee and in the years that she has been on the Cape Cod Commission board, she has yet to see a budget. She feels that it's an important responsibility that should not be reviewed by a small committee but by the full commission and she has never seen a budget. She requested that the delegation of authority be reviewed on a future agenda.

Ms. Etsten stated that the issue with the DRI Exemption is the definition used which is applied to a single development. Few developments will have an impact outside the municipality such as in the demolition of a historic building within a town will not have an impact in another town, unless it's an iconic building. In looking at the definition of a DRI in the CCC Act, it talks about the magnitude of it's

impacts on the natural or built environment is likely to present development issues significant to or affecting more than one municipality. She can't think of a development that will not be entitled to waver with the language being proposed.

Ms. Wielgus stated that this was discussed at the joint meeting of the Executive Committee and Committee on Planning and Regulation and the standard of review that Ms. Etsten is referring to is spelled out in the Cape Cod Commission Act, which is what we are using.

Mr. Weeden also feels uncomfortable delegating authority. He would prefer that the CPR do the initial vetting of the project to see if they are eligible for the exemption and bring that information back to the full commission for a vote. Due to our water quality issues, he feels that there is a greater need for more DRI's under MEPA.

Ms. Etsten mentioned another issue through MEPA which is an interim protocol on the change, adaption and resiliency and is still in in interim phase and in effect therefore the Environmental Justice zones and other sections that will be affected.

Ms. Wielgus stated that the proposed amendment is to create a process, not to make a decision on anything in particular or exempt anything in particular.

The Chair asked for public comments.

Mary Waygan, resident of Mashpee, urged the members to vote no on the proposed changes to Chapter A and to the Cape Cod Commission Administrative Regulations. Environmental Justice (EJ) is that all people have the right to be protected by environmental hazards to live in an enjoy a clean environmental regardless of race, color, national origin, income or english language proficiency. Minority communities suffer more from the environmental damage due to development than their white counterparts. The Commonwealth of Massachusetts has codified EJ in the Massachusetts Environmental Act MEPA as a trigger for a full environmental impact report and the CCC should keep this trigger for a full DRI. These reviews protect EJ communities regardless of the amount of additional work. She agrees with Ms. Etsten and they apply to MEPA not just EJ triggered reviews but to all MEPA triggered reviews. She added that the hearing notice that was posted on this meeting did not use the word Environmental Justice and it was hard to look through the documents and figure out what was going on. She feels that we should take no action and allow more time for public input.

Chris Powicki, resident of Brewster feels it's important to look at why the MEPA rules have changed because marginalized communities were not being protected through existing reviews. He feels that the CCC should not try to constrain reviews and should take an aggressive effort to protect our EJ communities. He asked about increasing the number of DRI's by 40%; how many are we currently doing and how will that increase? He feels that this needs careful study, and we should reach out to the EJ communities and ask for input.

Ms. Wielgus responded to the question regarding the applicability of the exemption process, stating that an applicant can apply for this and if they do but are not technically qualified, they would be going through more process and expense and if denied, the project is still required to go through DRI review. This intended is potentially apply to smaller projects. The MEPA process is separate and distinct from the Commission review process. The MEPA process is intended to create that forum so that people are aware and can participate and is in addition to the Commission's review of a project.

She added that Jordan Velozo, Chief Regulatory officer, could address the question on the anticipated increase in regulatory reviews.

Jordan Velozo responded to Mr. Polwicki's question on the number of DRI's. She has had discussions with MEPA regarding this and that 40% comes from conversations with MEPA based on prior years and the number of DRI's that we have had which varies from year to year. She also looked at the number of Environmental Notification Forms that are filed each year in the EJ communities so we can project that into the future which is our best estimate.

Mr. Elkin stated that he is bothered by making changes to regulations. If there is an increase in workload, then they could ask the CPR to come up with a solution and then a decision can be made. He suggested that we table this and after a year of operation decide if the workload is overwhelmed then decide on a mechanism to solve the problem.

Mr. Bergstrom stated that he doesn't have a problem bringing potential exemptions before the Commission, if we don't look at the overall project to decide if we like it or not and at the time, this seemed like a logical solution.

Mr. Mealy stated that when this was discussed at the Joint Committee meeting, his understanding was that it was to address an increase in workload. After hearing some of the objections, he suggested that more time to digest the suggested changes might help, but feels that a year is too long.

Ron Bergstrom moved to table this to a future meeting.

The Chair stated that he would like to have a date or timeline.

There was discussion by members regarding the timeline.

Mr. Chirigotis stated do we have a solution to a problem, and the difficulty is how is it going to apply and how is it intended to apply. He feels that waiting will allow us to see the problem.

Mr. Fromm stated a year is too long, two months is short, suggesting 6 months.

Mr. Harris stated that Chapter A is a process document to facilitate issues that occurred prior to these revisions. He read the changes as an improvement to address new issues by making the process wider for additional issues that we see. He doesn't understand why we think that CPR will be given the authority to deal with things that the full commission will need to address.

Ms. Wielgus agreed stating that this is a process document that expands the process by creating a subprocess in the current exemption process and to allow the CPR to decide on a limited set of exemptions.

Mr. Harris is very clear on what the document intends is but he's not clear on why there are concerns of the CPR being given authority because it's not going to override the full Commission.

Mr. Mascali is in support of the amendment as it doesn't override what exists and would not have an objection to a 6-month delay.

Ms. Brookshire is not sure what the CPR committee does, how much time they put into the regulations and the planning. She feels that it's important to know how much knowledge we lose by approving this amendment. She feels that we need more time to make this decision.

Ms. Senatori stated that the CPR took the place of the planning and regulatory committee. They are in place to review the modifications, and other edits to regulatory projects. This topic has been mentioned in the Executive Director reports over the past few months and this has been identified as a potential area where we may see an uptick in projects that should not require Commission review. The discussion held at the Joint Committee meeting was that those decisions that were made by the CPR would be reported to the full Commission. She said that what she is hearing is that there is not an interest in doing this at this time until there is a full understanding of the changes to the MEPA regulations. It seems that a 6 month timeframe makes sense based on members comments. The exemption process exists already, if projects that trigger commission review based on an EIR threshold, they could still apply for that process and be required to complete a DRI review should that exemption not be successful. The process of amending regulations is timely, and there is a process. At this time, we are comfortable with supporting a 6 month delay understanding the impacts of the regulation change.

Mr. Bergstrom stated that he will withdraw his previous motion.

Upon a motion to postpone the decision on the Chapter A of the Cape Cod Commission Regulations Amendment for 6 months by Ron Bergstrom, seconded by Jacqueline Etsten, the motion carried. Roll was called as follows: Fred Chirigotis, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, arrived late; Richard Roy, Yes; Joy Brookshire, Yes; Robert Mascali, Yes; Jacqueline Etsten, Yes; Ernest Virgilio, Yes; Douglas Fromm, Yes, Harold Mitchell, Yes; Kevin Grunwald, left early; Richard Elkin, Yes; Dennis Prebensen, Yes; Ronald Bergstrom, Yes; John Harris, No; David Weeden, yes.

Mr. Elkin requested periodic reports during the 6-month period prior to making a final decision on the amendments.

**Public Hearing:** Cape Cod Commission Administrative Regulations: Cape Cod Commission will conduct a public hearing and may discuss and vote whether to approve amendments to delegate authority to the Committee on Planning and Regulation to conduct the Development of Regional Impact (DRI) exemption review and decision process on projects that qualify as DRIs resulting from recent amendments to the Massachusetts Environmental Policy Act, M.G.L. c. 30§§ 61-62I and its regulations.

The Chair stated that this item will not be taken up as it is an extension of Chapter A of the Cape Cod Commission Regulations which are being postponed for 6 months.

**Public Hearing:** Chapter C of the Cape Cod Commission Regulations: Cape Cod Commission will conduct a public hearing and may discuss and vote whether to approve and forward to the Assembly of Delegates amendments to Chapter C of the Cape Cod Commission Regulations of General Application, the procedure for proposing amendments to the Regional Policy Plan.

Ms. Senatori made the opening comments on this agenda item. She stated that it is a result of a member that asked if we could review the requirements for amending the Regional Policy Plan (RPP) specifically as it relates to citizens petitions. This item was discussed by the Executive Committee and the draft language presented today was reviewed by both the CPR and Exec Committee at a joint meeting. Last year the CCC took up a citizen's petition to amend the RPP and it was the first

time the process had been used. We identified challenges with the process and lack of clarity in the regulations. The draft language being presented today corresponds to the request of a member and has been unanimously recommended by the CPR and Executive Committee.

Using a power point, Ms. Wielgus reviewed the Chapter C of the Cape Cod Commission Regulations proposed amendments. She explained that a member of the Cape Cod Commission requested that staff review the process and requirement, and that it was discussed by the Executive Committee and then in a joint meeting of the Executive Committee and Committee on Planning and Regulation where draft language was reviewed and unanimously recommended by both committees to bring to the full Commission. She reviewed Process which included the procedure for proposing amendments to the RPP, where, when and how they are filed, the Petition Filing Requirements, specifically the number of signature required, Criteria for evaluation and the Structure of Chapter C itself. She reviewed that the County itself requires 3% of the total County voters in signatures for a citizen's petition with not more than 25% being from any one town. Other jurisdictions had percentages as high as 10% and 8% required. She reviewed the discussion of the Joint Committee, in which there was discussion that 3% of voters equaled over 5000 signatures, which they thought was too much. The members discussed and agreed it should be reduced to 1% of the total voters, which was significantly less at approximately 1500 voters. She reviewed a slide that listed potential criteria for petition evaluation and listed 6 factors including whether it was consistent with the Commission Act, how it affects the planning and regulatory functions, what resources are available, the statutory scheme of the Regional Policy Plan, whether the Commission has jurisdiction, and whether it is covered by other state, federal or municipal laws. Using a slide for each section of the proposed amendments, she provided a text review and explained specifically what was proposed to be added for sections 1 – 6 of Chapter C as outlined on the slides.

The Chair thanked Ms. Wielgus for her presentation and asked for Member questions.

Mr. Virgilio stated that he is the member that requested this review of the Commission Regulations. He has had many conversations with others and they agree that the current requirement of 100 signatures from citizen's with a special interest is not a fair representative of the year round population on Cape Cod which is 200,000+. He hopes that other Commission members understand the amount of time that was put into a petition from 100 people and in his view what it took away from. Does the Commission want to be run my petition articles? It is disruptive in his opinion. He feels that 1% of the population is a fair number and supports that number.

Mr. Bergstrom stated that we are going from 100 – 1500 signatures citizens for a petition and that is a lot –we are disconnecting from the population/communities. This increase will be seen by the population as us pushing them off. 100 is too few but feels that 1500 is too high he would be interested in entertaining something in between the two.

Mr. Elkin supports the concept that Mr. Virgilio brought up about a small minority of people kicking off something but would like to apply it to a different context. He doesn't feel that one member should initiate a change in a regulation without bringing it to the entire Commission and asking for consent to initiate this activity. He feels that the Commission took the petition, dismissed it and went on to write its own change to the RPP and it was invaluable to the CCC that we heard from the public and were forced to act. He feels that we need to be responsive to the public and feels that staff should not be responsive to a single member asking for changes without consulting the full board prior to rewriting regulations. He feels that we won't hear from the public and that the climate action was a good activity and feels that the staff has come around to see the importance. He is opposed to this amendment.



The Chair stated that he disagreed with about 85% of what Mr. Elkin said. Mr. Virgilio wasn't the only one that brought this up, it was taken to the both the Commission's standing committees, the Executive Committee and the Committee on Planning and Regulation; therefore one half of the members have been involved in meetings and reviewed this information before it was brought to the full Commission. Also, he doesn't think that 100 people represent the majority of people on Cape Cod. Although Mr. Virgilio brought this to the floor, there were many other members with the same concerns. He added that the CCC had been working on a Climate Action Plan but not to the speed that other people liked.

Mr. Harris agrees with Mr. Virgilio's proposal, 1000% and called for clarification on what was said, and he agreed. The staff was not given instruction to do anything, except to look at the possibility to amend the regulations and did not follow instruction of one member.

Ms. Etsten asked how many petitions have been brought to the CCC? Ms. Wielgus stated that there has been one.

Mr. Bergstrom added that 100 people don't represent a majority of people on the Cape, but the petition is not intended to represent a majority of people on the cape, its intended to represent a group of people who want to come before the CCC and up to the CCC to find out what the people want. He feels that 1500 is a prohibited amount of signatures and that petitions are valuable.

Mr. Virgilio agreed that this was the first petition at the time of his comment, and he wanted to hear debate on the topic and appreciates the debate. He is trying to understand why 1% seems too high, and suggested having more discussion.

Mr. Mascali asked about the number of registered voters in Barnstable County? Ms. Wielgus indicated that there are 183,614 registered voters as of February 1, 2021.

Mr. Weeden stated that raising the bar too high is prohibitive. He suggested using numbers, rather than percentage. It's positive to have the public comment. He doesn't want to take away the voice of the petitioners on the Climate Action petition and prohibit them from this type of engagement in the future. He expressed his concern about a high number and he and the Chair discussed this further.

Mr. Fromm asked that staff come up with a percentage or number that is more than 100 but less than 2000. The Chair stated that he is comfortable with 1% but would be willing to go to .50%. and Mr. Fromm agreed.

Mr. Mascali agreed with 1% in today's age with social media. If there is a group that is committed, it is not a high bar to meet.

Mr. Chirigotis commented that this applies to the entire county and feels that 1% is a fair number, and using a number is easier since those registered voters will change. He feels that a number between 1000 - 2000 is fair.

Ms. Brookshire feels that 750 is a good number, that is 50 from each of the 15 towns.

Mr. Weeden added that he would be interested in knowing how many of the registered voters actually turn up to vote.

Mr. Elkin stated that we are taking about a petition to get something on our agenda for consideration. He has concerns with 1000 signatures and what that would require. He feels that a modest number shows that its worthy of us considering.

Attorney Wielgus said the 100 signatures was not to get an item on the Commission's agenda, but was to petition to amend the Regional Policy Plan, which is a Barnstable County ordinance. The petition was to begin the legislative process of amending a law. She stated that the Commission always has public comment on its agendas to give the public an opportunity to speak to the Commission.

Mr. Harris suggested prorating a determined amount by the population of each of the 15 towns. He feels that 50 per town for a total of 750 is an appropriate number. If we can't agree, then we should leave the document the way that staff has put it together.

The Chair thanked the members for their comments and asked for public testimony he asked that comments be specific to the agenda item.

Gordon Starr, Town Counselor, Barnstable started that the one time the petition process was used it was important. He is pleased that we now have a Climate Action Plan. He feels that this wouldn't have happened without the petition. He works with the Town Clerk and they are busy and certifying 100 signatures isn't easy.

David Dow, resident of East Falmouth MA. Directed his comments to Environmental Justice. When the petition was brought to the Commission, he stated that he raised a concern that it did not address environmental justice. Although it wasn't address in the petition, he was pleased that the Cape Cod Commission set up a hearing for those less affluent, multinational to provide advice on the climate action plan. He feels that it was a positive outcome.

Sheila Place stated that she assisted in collecting signatures for the petition that was filed and she worked at informing people about what we were doing and why, which would be difficult to do 1800 times. She appreciates Mr. Bergstrom's and Mr. Elkins comments about wanting to invite people to be comfortable petitioning the Commission, she agreed that maybe 100 is too few. The public should be able to raise concerns to the CCC particularly regarding climate change as it is a fast moving situation. She added that she agreed with Mr. Starr's concerns about over burdening the Town Clerks.

Maureen Condon stated that she agreed with Mr. Starr and it's important to get signatures for every day but feels that 10 would be plenty for getting an item on an agenda. If you raise the number significantly you are sending a clear message to the community that you are not interested in hearing from them.

Mark Gabriele resident of Wellfleet stated that he feels there is a clear message from the CCC that they are not interested in hearing from the public by changing the number of signatures from 100 - 1800 - that is his only comment.

Phyllis Sprout stated that she is in support of Ernest Virgilio. She volunteers to collect signatures for issues, candidates etc. and knows what it takes to get those signatures. When you become experienced, it is not difficult to collect signatures in a day or a couple of hours. She is also in support of the threshold being no more than 25% of the signatures collected being from one town.

Mr. Powicki was one of the petitioners for the only petition that the CCC has ever received. He feels that this change sends a message that the Commission is not interested in hearing from the public. He feels that once heard by the Commission, the petition process was constructive and feels that although a distraction from staff's planned work was very valuable. Although the petition was ultimately denied, it was a trigger for the CCC to amend the RPP by adding a Climate Goal and Objective. He feels that making it harder to amend the RPP is a mistake. He stated that 300 signatures were submitted with the original petition and feels that 300 – 500 signatures would be reasonable. He added that by doing this the regular updates to the RPP would be delayed. The CCC Act required a process for a thorough review and amendments at intervals not to exceed 5 years. He stated that there is a 2002, 2009, 2018 enacted in 2019 RPP he feels that there should not be an indefinite time in which the RPP is completed and enacted when the update period starts within the 5 years. He feels we should put the amendments aside and take a look at why the RPP was a mandated creation under the Act and why there was a 5-year update process, and why citizens and County Commissioners and the Assembly are given the ability to affect change. There is no reason for the CCC to prevent citizens from getting something on the agenda.

Mary Wagan agrees with Mr. Bergstrom regarding the disconnect between the CCC and the public. Having such a requirement is a red flag. Citizen petitions are a key mechanism for a healthy democracy. And the suggested number of signatures required is too high.

Dr. Lee Burns a Sandwich Resident stated that by putting an onerous number of signatures for a petition is isolating. He added that the pace of changes that are happening with the environmental crisis are happening so quickly, the CCC can't be isolated. He feels that the CCC must be willing to have information coming from everywhere in the US and not be afraid of the petitions.

The Chair, seeing no one else wanting to speak, closed the Public Comment period. Then asked for final comments from members.

Mr. Chirigotis started by saying that it's wrong to think that the CCC is walling itself off or creating isolation or refusing to hear from public input. Every single meeting includes public comment, there is public comment on every item that comes before the Commission on and off the agenda. What we are talking about is creating an agenda that is workable and believes that we do a good job of that. Public comment is very important and that happens at every single meeting including today.

Mr. Bergstrom asked the Chair if he made a suggested amount since 100 is too less and 1800 is too high in form of a motion, and it failed, could when then come up with another number? Could we take multiple votes?

The Chair stated that he would rather not take multiple votes and would rather decide on a percentage. He personal likes 1% but would be willing to go to .5 % which would be 918 signatures which is below 1000 which everyone seems to have an issue with. The Chair and Mr. Bergstrom discussed some of these options and how to present the motion and vote.

Mr. Weeden stated that we need to be more realistic and rather than using voter registration look at voter turn out in 2018 and not on a presidential year but on a midterm year. Mr. Weeden gave some statistics on voters stating that there was a total of 70, 000 voters in 2018 and if we take a percentage of that would be 350 petitioners. He recommended making a motion of 350 people.

Mr. Fromm liked the rationale to Mr. Weeden's suggestion, basing on turnout voters is a rationale that we can explain to people and supports 350 signatures, he supports that number and said he could make a motion.

The Chair asked if we could hear other members before making the motion.

Mr. Elkin stated that the US constitution gives people the right to petition Government. But doesn't list a quantity. He said we are comparing apples and oranges – getting something on a ballot for a vote, is different than getting something on an agenda for discussion. As it relates to the CCC we are saying how many signatures are required to get something on the agenda to consider it not to vote.

Ms. Wielgus stated that the 100 votes currently in Chapter C is a threshold for beginning a process by which we hear and consider a citizen's petition to amend the Regional Policy Plan. Once the signatures of a citizen's petition are certified and it is properly before the CCC, it starts a chain of required events that are equivalent to the passage of an County ordinance. You as a Commission must consider the petition at a public hearing, and either approve the petition with changes or deny it. It then it is sent to the Assembly of Delegates for another public hearing and then for another vote. The signature requirement is not to just put something on an agenda. As Commissioner Chirigotis mentioned, there is a standing item on every agenda where public comments can be made. If a person would like something on agenda, they can request that during the public comment period of any Commission meeting.

The chair stated that he feels that 350 is too low and that 1% is fair but would be willing to go to .50% or 750 signatures, which would be the lowest number he would feel comfortable with. He asked if Mr. Fromm would like to make a motion at this time of such. Mr. Fromm moved to approve the amendments to proposed Chapter C with the amended required petition signatures of 750 voters.

Mr. Bergstrom said that a second needs to be called and he would like to second the 750 signatures.

Final Vote:

Upon a motion to approve the proposed amendments to Chapter C of the Cape Cod Commission Regulations of General Application (with the amendment to the number of required signatures from the proposed amendment of 1% of registered voters to 750 voters) and forward them to the Assembly of Delegate for adoption by ordinance by Douglas Fromm, seconded by Ronald Bergstrom, the motion carried. Roll call vote was as follows: Fred Chirigotis, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Robert Mascali, Yes; Jacqueline Etsten, No; Ernest Virgilio, Yes; Douglas Fromm, Yes, Harold Mitchell, Yes; Kevin Grunwald, left early; Richard Elkin, Yes; Dennis Prebensen, Yes; Ronald Bergstrom, Yes; John Harris, Yes; David Weeden, yes

The Chair asked that the last agenda item be moved to another meeting because of the time. Ms. Senatori stated that it would appropriate to postpone the Communications Update agenda item to a subsequent meeting.

The next meeting is February 10, 2022.

**New Business:**

The Chair asked for comments on New Business.

**Meeting Adjourned:**

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 5:27 p.m. made by Joy Brookshire, seconded by John Harris, the motion carried. Roll call vote was as follows: Fred Chirigotis, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; Joy Brookshire, Yes; Robert Mascali, Yes; Jacqueline Etsten, Yes; Ernest Virgilio, Yes; Douglas Fromm, Yes, Harold Mitchell, Yes; Kevin Grunwald, left early; Richard Elkin, Yes; Dennis Prebensen, Yes; Ronald Bergstrom, Yes; John Harris, Yes; David Weeden, yes

**Documents used/submitted at the January 27, 2022, Cape Cod Commission Meeting**

Cape Cod Commission Meeting Agenda 1/13/22

Draft Minutes of the December 14, 2021, and January 3, 2022 Blue Sky Towers Subcommittee hearings/meetings

Chapter A Enabling Regulations draft amendment document

Chapter C draft amendment document

Administrative Regulations draft revisions document

Power Point Presentation prepared by Cape Cod Commission staff inclusive of all agenda items

**Approved by the Cape Cod Commission on April 7, 2022**