

Minutes
Regional Policy Plan Subregional Public Hearings
Wednesday, October 17, 2018 1:00 p.m.
Truro Public Library
7 Standish Way, Truro, MA

Summary of Action Taken:

A public hearing was conducted by hearing officer, Jonathan Idman, to receive public comments on the 2018 Draft Regional Policy Plan (RPP).

Regional Policy Plan Subcommittee members in attendance: Jacqueline Esten, Jack McCormack, Kevin Grunwald, Charles McCafferty

Cape Cod Commission staff in attendance: Kristy Senatori, Erin Perry, Heather McElroy, Jonathan Idman, Jessica Wielgus, Chloe Schaefer, Stephen Tucker, Sharon Rooney

The hearing was convened at 1:05pm. Jonathon Idman, Chief Regulatory officer at the Cape Cod Commission, thanked everyone for attending the second of the regional public hearings on the draft Regional Policy Plan. He said the principal purpose of the hearing is to accept public comment on the Draft Regional Policy Plan (RPP). He said staff will present a brief overview of the plan. The Commission is charged with regulatory updating the plan. The original plan was developed in 1991 and has been updated over the years.

An attendee asked what the time frame is for the plan and public comment. Mr. Idman said the presentation takes 20 minutes and two hours is planned for public comment.

Erin Perry, Special Projects Manager at the Cape Cod Commission, with the use of a Powerpoint presentation, gave an overview of the Regional Policy Plan. She said the Regional Policy Plan is a plan with a broad regional vision and goals for the region to protect natural resources balanced with economic development and growth.

She said this draft takes a different approach than was taken in previous documents. This plan is systems based, recognizing the importance of three major systems- natural, built and community- and the need to balance each of these when thinking about planning and regulations. Goals and objectives are connected to each system. The plan is context sensitive, it recognizes the different types of places in the regions and identifies performance measures to track progress. The 2018 RPP places an emphasis on local comprehensive planning and local capital facilities planning and regional capital planning.

She said this update to the plan includes identification of performance measures allowing for progress to be tracked across the region. The plan also places a greater emphasis on local comprehensive planning, local capital planning and regional capital planning.

She reviewed the 11 sections in the plan. The first overviews the Commission's responsibilities based on the Cape Cod Commission Act. The Act outlines the 8 purposes:

- * The conservation and preservation of natural undeveloped areas, wildlife, flora and habitats for endangered species;
- * The preservation of coastal resources including aquaculture;
- * The protection of groundwater, surface water and ocean water quality, as well as the other natural resources of Cape Cod;
- * Balanced economic growth;
- * Provision of adequate capital facilities, including transportation, water supply, and solid, sanitary and hazardous waste disposal facilities;
- * The coordination of the provision of adequate capital facilities with the achievement of other goals;
- * The development of an adequate supply of fair affordable housing;
- * And the preservation of historical, cultural, archaeological, architectural, and recreational values.

Erin Perry continued to discuss chapter two of the RPP. She said that Chapter 2 identifies and discusses the evolution of the RPP. She said that the Commission was established in 1990 and the first RPP was issued in 1991. The vision of this plan was to protect the best of the region and repair the mistakes of the past. This was the first plan to identify goals, policies and implementation strategies in 13 issue areas and included Commission and town actions. The plan also identified and mapped important natural resource areas and proposed to map economic centers and village centers.

She said the 1996 and 2002 updates to the RPP took a similar approach. The 2009 update was the first major shift in the document. It separated planning from regulatory aspects. The plan focused on planning aspects and the technical assistance the Commission could provide to communities. She said several years ago when this recent update was initiated, the Commission set about to gather input from stakeholders on how the RPP could continue to evolve to meet the needs of the region. She outlined this stakeholder process as including-

- * Issuing a homeowner survey and holding subregional hearings in 2014
- * Subregional stakeholder meetings, six meetings in each subregion, held in 2015.
- * A second homeowner survey was issued in 2017

* A Cape Cod Commission RPP subcommittee was established and met throughout 2018. They have reviewed draft of the RPP and are currently reviewing technical bulletins.

* The current round of public hearings in 2018 is a continuation of the outreach process and public process

Erin stated that the outreach process has helped the Commission identify key priorities for the region. She said that these issues are woven throughout the document and include the need to address housing needs, promote regional and capital infrastructure planning, ease local comprehensive planning, protect natural resources and preserve character.

Erin Perry then discussed chapter three of the RPP. She said that chapter three identifies a regional vision for Cape Cod, to protect and preserve the region's resources and focus growth in existing center of activity. She said the vision for the future of Cape Cod is a region of vibrant, sustainable and healthy communities, and protected natural and cultural resources. The growth policy supports that vision and focuses growth in centers of activity and areas supported by adequate infrastructure and guides growth away from area that must be protected for ecological, historical or other reasons. She said development should be responsive to context allowing for the restoration, preservation and protection of the Cape's unique resources while promoting economic and community resilience.

Erin Perry then described chapter 4 of the RPP. She said section four discusses Cape Cod systems and the need to balance these systems to achieve a sustainable region overall. She said the systems and the areas they cover include:

* Natural systems

- o Groundwater , Marine water, Freshwater ponds and lakes , Wetlands, Habitat , Open space

* Built systems

- o Development, Drinking water supplies, Wastewater management, Stormwater management, Transportation network, Utilities

* Community systems

- o Cultural heritage, People, Economy ,Housing

Erin Perry then described section five of the RPP. She said section five discusses key challenges facing the region and that these challenges include-

* Loss of forest cover 2,300 acres have been lost regionally, more than 83% was for residential development. An issue related to forest cover loss is additional impervious surfaces leading to increased stormwater runoff which can affect water resources.

* Significant development which has impacted water quality. The manner in which land is used impacts the region's supply of drinking water.

* Excess nitrogen in coastal waters has led to 34 of the Cape's 53 Cape embayments, to require nitrogen reduction to meet water quality goals. This is due to the heavy reliance the region has placed on septic systems across the region.

* The need to focus on improving resiliency of the region's coastline. There is about \$9,000,000,000 of assessed value at risk in special flood hazard areas (SFHA) which includes over 13,000 single-family homes. This will likely become worse over time.

* The regions historic resources are vulnerable to threats. More than 40% of inventories historic buildings 100 years and older have no protections. Historic resources are key to our community character.

* Housing across the region is very expensive, very few Cape communities come close to having an individual earning the median income able to afford the median home price.

Heather McElroy of the Cape Cod Commission staff then gave the remainder of the powerpoint presentation on the RPP. She said the goals and objectives of the Draft RPP are organized under the three systems- natural, built and community.

Heather said that the goals and objectives of the natural systems aim to protect and restore the quality and function of the region's natural resources that provide the clean water and healthy ecosystems upon which the region depends. The goals and objectives address areas such as water resources, wetlands, open space etc.

Heather also said the goals and objectives for the built system are to protect and enhance the built environment and infrastructure necessary to support the region and healthy activity centers. This include improving community design, coastal resiliency, supporting and coordinating capital infrastructure, and transportation planning.

She said the goals and objectives of community systems are to protect and enhance the linkages between the built and the natural environment that support the way of life on Cape Cod by protecting the region's cultural heritage, supporting and promoting the economic development, promoting a diversity of housing resources and availability.

Heather further said that the Cape Cod Commission has been working towards coordinated regional and local planning. The Regional Policy Plan provides an umbrella for these goals and objectives. Targeted areas of planning include the Comprehensive Economic Development Strategy, the 208 Water Quality Plan, Ocean Management Plan, Regional Transportation Plan, a housing needs assessment, coastal resiliency planning and the RESET program.

Heather then said that the Commission through this RPP update would like to promote coordinate regional capital planning, which is included in the Cape Cod Commission Act. This is

an area that has not received a lot of attention in the past. The RPP wants to support the local comprehensive planning process and is looking at streamlining the planning process.

Heather McElroy then described the Cape Cod Commission's program, the Regional Economic Strategy Executive Team, or "RESET". She said the RESET Program is an opportunity to plan within a community at their request. Three recent RESET projects include-

- * Improving pedestrian connections between business and the waterfront in Orleans
- * Looking at including mixed use development and the walkability on Route 132 in Barnstable
- * Davis Straits, Falmouth- Revitalize the Davis Straits area in Falmouth, looking at possible mixed use and improved function of the area.

Heather McElroy then described section eight of the RPP. She said section eight addresses Cape Cod Place types, a new concept introduced in this plan, recognizing the different types of land uses across the Cape. She said Placetypes include:

Natural areas- to minimize adverse development impacts to sensitive resource areas, to preserve lands that define Cape Cod's natural landscape and to contribute to its scenic character, and to improve the Cape's resilience to severe storms and effects of climate change.

Rural development areas- To ensure that development is located, sited, and scaled appropriately to avoid impacts on scenic and/or cultural resources, and to help maintain the economic diversity that agriculture can provide for the region including opportunities for the continuation of traditional agricultural occupations, and for the availability of locally-grown food.

Suburban development areas- To improve their design and function so that they are better integrated into surrounding neighborhoods, compliment uses in existing activity centers, and are more pedestrian-friendly.

Historic character areas- To protect historic resources and to support infill development that respects the form, scale, and character of existing historic areas.

Maritime areas- To protect historic resources and to support infill development that respects the form, scale, and character of existing historic areas.

Community activity centers- To accommodate mixed-use and multifamily residential development in a walkable, vibrant area, preserve historic buildings, and to provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities, with adequate infrastructure and pedestrian amenities to support development.

Industrial activity centers- To support their development as significant employment centers with adequate infrastructure and support services for employees.

Military and transportation areas- To support comprehensive master planning with community

Input, encourage growth of industries appropriate to the diversification of the regional economy, and encourage partnerships for use of shared infrastructure.

Heather then said section nine addresses regional regulatory review. A significant role of the Commission is review of Developments of Regional Impact (DRI). This draft takes a streamlined regulatory approach while continuing to have goals and objectives which are derived from the Commission Act. The approach will include technical guidance for the goal and objectives and provides methods by which a DRI could meet those goals and objectives. The placetype and the resources present where a project is located will also inform how methods are applied to meet goals and objectives.

She said an example of this is the transportation goal to provide and promote safe multi-modal transportation and the objective is to provide a reliable efficient transportation system. The technical guidance will provide methods, a requirement or a menu of options, to reach this goal and objective. The place type will inform how those methods are applied.

Heather then reviewed section 10 of the RPP. She said section 10 incorporates regional performance measures to track progress toward meeting established goals. Nine performance measures are identified in this section. These measures were chosen because there is data available to base progress off of and they correspond to the goals established in the draft plan.

Heather then reviewed section 11 of the RPP. The last section addresses recommended actions recognizing that the Regional Policy Plan is a framework and there remains additional work that needs to be done. These recommendations are based on the three systems and include-

Natural systems: update and identify priority lands for future water supply development, update data layer to support future water supply development and support water quality planning in protected watersheds.

Built systems: Develop a regional capital infrastructure plan to support sustainable economic development which is crucial for coordinating regional infrastructure with local plans.

Community system: Develop a regional housing plan, identify the affordability and the diversity of housing and set target regionally and subregionally for affordable and diverse housing.

Heather then reviewed the timeline for the review of the RPP. She said the review process and timeline for the draft RPP began in September when the draft was issued for public comment, followed by the three regional hearings. The public comment period ends on November 19, 2018. Once public comment ends, Commission staff will have 30 days to respond to comments and make revisions to the plan. The Cape Cod Commission will review the document and hold a public meeting. The Commission will then vote to forward the plan to the Assembly of Delegates for their approval by ordinance.

Heather said comments can be made today at the meeting, can be sent by email to rpp2018@capecodcommission.org, or attendees could also add comments to posters in the back of the room, or write on the comment cards, also available in the back of the room.

Mr. Idman asked attendees to come to the podium when sharing comments. Minutes are being taken and comments from the hearing will be on record.

Public Comment:

Paul Wisotzky, member of the Truro Board of Selectmen, thanked the Cape Cod Commission for holding the public hearing in Truro. He said the agency is a great resource for the region. The Draft Regional Policy Plan is an easy read and he looks forward to seeing the visuals in the final draft. One of the greatest resources of the Cape are the people and the plan seems to lack a discussion on demographics. Demographics are a key component of the region's story and challenges. He encouraged the Commission to present more demographic information.

He said year-round homeowners are underrepresented in terms of data within the plan. The interests of the year-round community is very different from the second home owner community. Presenting more information about the year-round community is important. The Cape is not homogenous and there needs to be more information on the difference and similarities that occur throughout the subregions on the cape. He suggested the subregions and their differences be addressed in the plan.

Mr. Wisotzky asked, as the rep to the local comprehensive planning committee, when the Commission local comprehensive templates will be ready. Sharon Rooney said the templates will be available around the time the RPP is adopted, or a month or so after.

Mr. Idman said it would be helpful if comments were submitted outlining the specific challenges facing the subregions.

Cheryl Andrews, member of the Provincetown Select Board and Provincetown representative to the Cape Cod Commission, noted that she is a new member of the Cape Cod Commission. She said the Provincetown Select Board met with Kristy Senatori and Commission staff and discussed the same issues mentioned by Mr. Wisotzky. The year-round community is struggling to exist and it would be helpful if the Commission could provide tools to help mitigate the problems.

Ms. Andrews asked if the second home owners survey can be found online. She said for someone new to the game it is hard to understand where we came from and where we are. Mr. Idman said the survey is located on the Commission website.

Ms. Andrews said a main concern among Cape Codders she speaks with is traffic. She said in the measure included in the RPP, cars are not mentioned. The canal bridges are also a major issue. She asked what role the Commission has in the discussions on the bridges. Steve Tupper, Transportation Program Manager, said the Commission continues to provide input in the ongoing discussion on the functionality of the bridges, character. The final decision is up to Federal and State partners and the Army Corps of Engineers, the owners of the two bridges. He said the Regional Transportation Plan (RTP) goes into more depth on the transportation vision for the area and the issue of the bridges. The RTP update will be in early 2019 and the Commission will host a series of public meetings where the public can weigh in on regional transportation concerns.

Louise Vendon, Chair of the Provincetown Select Board, mentioned it would be beneficial if the RPP could be used to apply for Federal and State grants. Transportation issues vary greatly from the Upper Cape to the Lower Cape. She said regional support for airport and ferry access, which Provincetown provides communities on the Outer Cape, should be considered.

Bob Costa said there was mention of plans, programs and actions but little mention of regulations. He said the outer Cape is most vulnerable to climate change and he did not see anything about climate in the plan. He asked if there are regulatory procedure actions that have been taken.

Mr. Idman said climate change issues are addressed in terms of coastal resiliency and other issues associated with climate change. These issues are referenced in the plan as key challenges facing the region and addressed in the measures and actions. The technical bulletins will define the regulatory approach to projects. There are many significant standards that will be carried over to this edition of the RPP from the previous RPP.

Joan Holt, of Wellfleet, said the Commission should not avoid the big issues that are affecting the world at large. Bigger problems influence regional problems. Besides climate change, certain kinds of growth and change need to be supported. The wealth gap on the Cape should be addressed. Residential tax relief is a step in the right direction. Ms. Holt suggested a demographic specialist or sociologist be hired by the Commission. Someone who understands these types of issues. The plan should also reflect the new models of development.

Michael Holt, of Wellfleet, acknowledged he had not read the plan but he was given a summary of it by a few people who have read it. He was encouraged by climate activists to come to the meetings and push for more mentions of climate in the plan.

He suggested public meetings be set up in a circle format to encourage dialogue and conversation.

Mr. Holt said the plan's description of balancing the environment and the economy suggests the two are in opposition to one another. He said a different way of viewing it, would be to not think of those two things as contrary to each other, but focus on solutions to bring those two things together. It is important to build a green economy on the Cape to provide jobs, ensure everyone has a livelihood and help to address the income gap, and at the same time improving our relationship with the environment.

Shelly Thomas, a resident of Wellfleet, asked if the plan should or could include mention of sustainable power such as hydro power from the Cape Cod Canal.

Mr. Idman said the plan is very flexible. Hydro power may not be mentioned specifically but pursuing alternative options is consistent with the plan, both with implementation and regulations.

Lisa Coedy, a resident of Yarmouth, thanked the Cape Cod Commission for their effort in putting together the draft. She said she does not think the plan adequately addresses the climate change issue. She understands that some people may think climate change prevention is not the

Commission's responsibility, but it is everyone's responsibility. Every governing body needs to do what it can to address climate issues. Climate change should be listed as the number one challenge both in the executive summary and section 5. In the executive summary the bullet on climate change needs to be expanded.

Ms. Coedy also said the RPP addresses climate change adaptation and resilience sufficiently but if emissions are not mitigated, adaptation and resilience will not help. Coastal resiliency is not dealing with climate change it is dealing with the symptoms of climate change. If emissions are not reduced climate change will only get worse. Carbon reduction could be achieved through better land management practices. She suggested the Commission could be working more closely with the Woods Hole Research Center to figure out how this can be done.

John Cumbler, resident of Wellfleet, said when the Commission was established the big concern was over development of the region. Climate change should be front and center today. Climate change needs to be addressed at a regional level. The region also needs to accommodate affordable housing, because people are commuting to the Cape to work and this results in high emissions.

Mr. Cumbler also said the Commission's approval of a second power plant in Sandwich, is not planning for the future. Climate change is our biggest issue. The answer to resiliency is to armor our coast which will take away from its character. He said the Commission needs to address the issue of teardowns being replaced with large homes that are used only a few weeks a year.

Don Keeran, the Assistant Director of the Association to Preserve Cape Cod (APCC), said his organization led the campaign to establish the Cape Cod Commission. APCC has been engaged with the Commission since its establishment. APCC supports a strong regional planning entity that also has a strong regulatory component. From the very beginning of this recent update, he said he has attended the stakeholder sessions and looked forward to the draft plan.

Mr. Keeran said the draft RPP's planning component of the RPP presents an excellent ideal for the Cape. It presents ideals of where we should be and what we should focus on as a region. He said there are some things in the plan that are not easily defined such as placetype categorizations. He asked how are the borders defined for a rural development area versus suburban development area? How are areas with components of other resource areas, such as a water resource protection area within an industrial area, defined? He said we are interested to hear how the CCC intends to define these places and utilize the way they define them in future regulatory and planning aspects of the CCC.

Mr. Keeran also said that the APCC has strong concerns about, and look for the CCC for further guidance, on the regulatory aspects of the regional policy plan. APCC is a strong proponent of the need for a proactive and rigorous regulatory component for the region. There is a great need for it. He said the region saw a drop in regulatory review projects because of the economic downturn but this will change. He said there are new challenges besides the typical patterns of growth that should trigger a regulatory response from the commission. The regulatory part of the RPP mentions goals, objectives, flexibility and weighing things on a case by case basis. Mr. Keeran said this is worrying. He said the absence of minimum performance standards and the

replacement with technical guidance bulletins does not seem to be the direction we should be moving in. He said once the Commission loses specific guidance, you've lost what keeps Cape Cod the special place that it is. He said APCC looks forward to seeing the technical bulletins but if regulatory standards that we have relied on in the past are lost, they are lost forever. He said the Commission can be more flexible, but it is hard to regain regulatory authority once its relinquished.

Mr. Keeran concluded by stating that APCC will be submitting thorough written comments and will continue to be part of the discussion and look for guidance from the CCC. Lastly, he said in regard to climate change it is necessary, as a region, to reach beyond adaptation and resilience, which is extraordinarily important, and look for things to do that will be more proactive.

Tom Donegan, member of the Provincetown Select Board and the Year-Round Rental Housing Trust of Provincetown, said he liked how the plan was readable and understandable. The plan seems to do two things, what we don't want and what we want. He would like to see more of what the region needs and wants. Housing is a crisis on the Outer Cape, it is unavailable and not secure. People are unable to build a life and it impedes every aspect of the economy. Towns, regional government and the state need to work together with defined goals. He would like to see this reflected in the plan.

Mr. Donegan said grid modernization is very important, especially on the Outer Cape. The region has the ability through the state process to have a say on what is happening on the electric grid. He would like to see the Cape Cod Commission engaged in these discussions representing the Cape. The Commission should not only be a planning and regulatory agency but a spokesperson for the region and its towns. He suggested the Commission could hear appeals from local zoning and planning boards, not the courts.

Jay Coburn said the rural nature of the lower and outer Cape and the lack of infrastructure the subregion has means it cannot support continued growth. The lack of capacity small towns have to tackle really big problems is an issue. He said he was pleased that a public hearing was scheduled on the lower Cape. The Commission needs to be more involved on the lower and outer Cape. A Commission office in the area would be beneficial. The constant change in planners on the towns has also had an impact. He also said there is a lack of balance in the communities around second home ownership. Second home owners help considerably with resources that other rural communities in the state do not have but the housing stock is so out of balance it threatens the community.

Jack McCormack, Yarmouth representative to the Cape Cod Commission, said the Commission website has many resources available and if a document cannot be located Commission staff help you locate what you are looking for. He said tear downs and rebuilding large homes is a zoning issue the towns are facing. There has been increased activity in changing zoning or looking at potential zoning changes, in particular form-based zoning, by towns across the Cape.

Julie Kavanaugh, chairman of the Board of Selectmen in Harwich, said the region is losing the young population and the aging population is growing. Zoning is an issue to allow for various types of housing to meet the needs of these two populations. Towns need to figure out how to

move forward to address these issues. Policy and regulation need to be looked at to reconnect communities and town centers.

Jon Idman said a restructured approach to the regulatory program will allow the Commission to encourage and approve projects that the region wants. Flexibility is not less strict, it is for dealing with the circumstances of projects in relation to the goals of the region and the community.

Mr. Tupper said there is a public meeting at the community center at 4:00 looking at bicycle accommodations on Route 6 in Provincetown and Truro. Those who cannot attend can find the presentation on the Commission's website.

An attendee asked to be sent a copy of the sign-in sheet.

Mr. Idman thanked everyone for attending the meeting.

Meeting concluded at 3:14pm.

List of Documents Used/Presented at the Hearing

-Power point presentation by Cape Cod Commission staff on the 2018 Draft Regional Policy Plan

-Climate change comment paper submitted by Lee Brown