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CAPE COD
COMMISSION

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Minutes

Meeting

Cape Cod Commission

Barnstable Town Hall • Town Council Hearing Room • Second Floor
367 Main Street, Hyannis, MA 02601

March 22, 2018

The meeting was convened at 3:02 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓ (arrived at 3:05 p.m.)
Harwich	Jacqueline Etsten	✓ (arrived at 3:10 p.m.)
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓ (arrived at 3:35 p.m.)
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓ (left at 4:17 p.m.)
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	Absent
Native American Rep.	David Weeden	✓
Governor's Appointee	Michael Maxim	✓ (arrived at 3:05 p.m.)

The Cape Cod Commission Meeting was called to order on Thursday, March 22, 2018 at 3:02 p.m. in the Barnstable Town Hall, Town Council Hearing Room, 367 Main Street, Hyannis, MA. Roll was called and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

- **Approval of Minutes:** The minutes of the February 22, 2018 Commission meeting were approved with 11 votes in favor and one abstention (Jack McCormack).
- **Public Hearing: Falmouth Technology Park Development Agreement Extension:** Following presentations, public testimony, discussion and deliberation the Cape Cod Commission voted unanimously to close the public hearing and voted unanimously to approve the request by the Falmouth Economic Development Industrial Corporation to extend the term of the Falmouth Technology Park Development Agreement with the Cape Cod Commission for three years to February 19, 2021.
- **Public Hearing: Downtown Hyannis Growth Incentive Zone Re-designation:** Following presentations, public testimony and discussion on the Town of Barnstable's request to re-designate the Downtown Hyannis Growth Incentive Zone, the Cape Cod Commission voted unanimously to continue the hearing to the Commission's regularly scheduled meeting on April 19, 2018 at 3:00 p.m. in the Harborview Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA.
- **Notice of Withdrawal: 46 Pleasant Street, South Yarmouth Demolition Request:** Commission staff reported to the full Commission that the applicant for the project, Davenport Building Company, has withdrawn all local permit applications from the Town for proposed demolition of the main house located at 46 Pleasant Street in South Yarmouth, and accordingly, the project has been withdrawn from Development of Regional Impact Review.
- **Request for Nominating Committee:** Request by the Chair of the Cape Cod Commission for members to volunteer to serve on the Nominating Committee for the purpose of nominating a Slate of Cape Cod Commission Officers for Chair, Vice-Chair and Secretary for the term beginning July 1, 2018 through June 30, 2019.

■ MINUTES

The minutes of the February 22, 2018 Commission meeting were reviewed. Michael Skelley moved to approve the minutes, Roger Putnam seconded the motion and a vote called on the motion passed with 11 votes in favor and one abstention (Jack McCormack).

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Kristy Senatori said she has been meeting with the Boards of Selectmen across all 15 towns and to date she has met with Eastham, Harwich, Mashpee and Wellfleet and she will be in Chatham on Monday. Ms. Senatori said she has been updating the Boards on her priorities and some of the goals of the Commission going forward and she anticipates meeting with all the town Boards within the next few weeks. She said one of the priority projects that Commission staff is working on is the Regional Policy Plan (RPP) update, they have an internal team of five members that have been working aggressively for the past five months, they anticipate having a draft of the RPP by the summer, and she will continue to update members on that. Ms. Senatori said as of yesterday Ken Moraff, of the Environmental Protection Agency (EPA) Region I, sent correspondence to Gary Moran, Deputy Commissioner at Massachusetts Department of Environmental Protection (DEP), that incorporates the Implementation Report that the Commission filed with both agencies for the Section 208 Update. She said this is a significant milestone and the Commission appreciates the EPA and DEP's thoughtful consideration of the work that has been done to date. She said the EPA and DEP continue to track the progress that is being made on the Cape to ensure that town action is being taken and the letter requires that the Commission provide another Implementation Report update on the progress that is being made by April 2019.

Ms. Senatori reported on Commission staff updates and said Jeffrey Ribeiro, Regulatory Officer at the Commission, is leaving the Commission to be the Town Planner in Provincetown, she thanked him for his service and wished him well in his new role. She said Glenn Cannon, Director of Technical Services and Transportation at the Commission, has been with the Commission for 20 years and will be leaving the Commission as he has accepted the position of Assistant Town Administrator in Bourne. She thanked Mr. Cannon for his service and wished him luck in his new role.

Glenn Cannon, Director of Technical Services at the Commission, expressed his appreciation and gratitude to have had the opportunity to work at the Commission, he thanked Commission members for their commitment to serve and said it has been a pleasure working with Commission members and staff. He said he is looking forward to continuing to work in the public sector as the Assistant Town Administrator in Bourne.

Ms. Senatori said Commission meetings will no longer be held in the Assembly of Delegates Chambers, the County expects the new meeting room to be completed sometime in the summer and the meeting location for future Commission meetings will be announced. She thanked the Town of Barnstable for use of their meeting room today.

■ FALMOUTH TECHNOLOGY PARK DEVELOPMENT AGREEMENT EXTENSION

Chair Harold Mitchell opened the public hearing and said the Commission will hear presentations, take public testimony and potentially vote whether to approve the Falmouth Economic Development Industrial Corporation's (EDIC) request to extend the term of the Falmouth Technology Park Development Agreement with the Cape Cod Commission for three years to February 19, 2021.

Attorney Laura Moynihan, counsel for the Falmouth Economic Development Industrial Corporation (FEDIC), said the FEDIC is a quasi-public agency in Falmouth. She said the Falmouth Technology Park is comprised on 125 acres of land and she explained the number of lots that are now developed and number of vacant lots. She provided background information on the original Development Agreement and said the conditions in the Development Agreement are valid for 12 years with a provision for a 12-year extension—Section P of the modified Development Agreement dated February 21, 2006 provides that the Agreement may be extended by mutual agreement of the Parties being the Cape Cod Commission and FEDIC. She said the FEDIC is requesting approval of the Commission for an extension of the Development Agreement for three years to February 19, 2021. She said a number of Technology Park business owners and the FEDIC would like to keep the Development Agreement in place. She said a three-year extension will allow time for existing and future buildout in the Park and it will allow time for the Development Agreement to remain in place.

Jon Idman, Chief Regulatory Officer at the Commission, said Commission staff supports the relatively short extension based on equitable reasons and said many lot owners have sales and projects in the queue. He discussed the Commission's Chapter H: Municipal Application for Revisions to Developments of Regional Impact Thresholds and said in 2006 the Commission determined areas for light manufacturing use and said many of the owners were not aware of that. He said many letters of support have been received and one condition in the Development Agreement Extension is that the FEDIC shall send notice by certified mail to all owners of record for land in the Falmouth Technology Park subject to the Development Agreement that the term of the Development Agreement has been extended and the Development Agreement shall now terminate on February 19, 2021.

Charles McCaffrey said he was speaking on behalf of Susan Moran of the Falmouth Board of Selectmen and she supports the extension.

Dan Webb said his family owns 13 acres of land in the Technology Park and he has worked in the Park for 26 years. He said he would ask the Commission to support the extension and said the Development Agreement has been recognized as an attribute of the Park. He said they failed to take note of the Development Agreement expiration date and said he would suggest a 10-year extension as opposed to a three-year. He asked for approval of three years or longer.

Jeff Bergman, Associates of Cape Cod, said he occupies 80,000 square feet in the Park and would strongly urge the Commission to approve the three-year extension or longer if possible.

Jack McCormack said a short-term extension is a great opportunity and hopefully the Commission and the FEDIC could ask for a longer extension.

Joy Brookshire asked who requested the three-year extension and can it be extended longer if the three-year extension is approved today. Jon Idman said the request was in the application and with discussions with Attorney Moynihan. He said circumstances have changed dramatically since the original Development Agreement in 1993. Ms. Brookshire asked if Attorney Moynihan represents all the owners in the Park. Mr. Idman said not all the owners. He said there is a

certain buildout and maximum for the Park and there are a number of conditions that have to be met. He said the Commission has Chapter H regulations and he would be happy to entertain possibly a new Development Agreement.

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

Jack McCormack moved to adopt the Extension Agreement for the Falmouth Technology Park and approve the extension of the Development Agreement to February 19, 2021 pursuant to the terms and provisions in the draft Extension Agreement. Roger Putnam seconded the motion and a vote called on the motion passed with a unanimous vote.

■ DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE RE-DESIGNATION

Chair Harold Mitchell read the hearing notice and opened the public hearing at 3:34 p.m.

Heather Harper, Community Design and Affordable Housing Specialist at the Commission, said the Town of Barnstable partnered with the Commission to work on a new Growth Incentive Zone (GIZ) process. She said what gets measured is what gets done. With the use of PowerPoint slides Ms. Harper discussed key land use thresholds, explained how assessed values grew from 2004-2014 and highlighted 2005 success stories/benefits to the community with >\$100 million in private investment since 2005; 101 housing units constructed; three projects in the last 10 years were exempted Developments of Regional Impacts (DRIs); public infrastructure investment includes Walkway to the Sea, parks, lighting and streetscape improvements; 800,000 visitors to shanty program since the beginning; under 4,000 square feet of new commercial and \$1.7 million generated by shanty program. She explained the 2018 framework for a new GIZ approach consisting of GIZ purpose, a stakeholder engagement process, an infrastructure and amenities analysis, a zoning analysis, a stakeholder process, GIZ goals, a capital improvement plan and investment strategy, a five-year strategic plan and performance indicators. Ms. Harper said the GIZ is both a regulatory relief process and a planning tool. She said timeframes will be determined by the Commission for a five-year review and a 10-year review.

Mark Ells, Barnstable Town Manager, thanked the Commission for the opportunity to consider Barnstable's re-authorization for re-designation of the Downtown Hyannis Growth Incentive Zone (DHGIZ). He said it's an important tool for the town to move forward with growth and development and the request shows the town's continued commitment to Downtown Hyannis. He asked the Commission for a favorable vote.

Elizabeth Jenkins, Director of Planning and Development in Barnstable, thanked Commission staff for their support and assistance. She said it's a model that shows how the Commission and towns can work together. With the use of PowerPoint slides Ms. Jenkins showed the DHGIZ boundary that was approved in 2006 and said the proposed boundary is unchanged from what was previously approved by the Commission. She discussed the type of development for residential units including units in mixed-use developments for planning years 1-2 and planning years 3-5. She discussed the 2018 GIZ application process and content for the GIZ Purpose and Goals, Capital Improvement Plan and Strategic Plan. Ms. Jenkins discussed the goals, measures, issues and opportunities and the operation and implementation strategies for transportation and mobility; water resources; community services; neighborhoods; utilities and coastal resiliency. She said the values and benefits of the GIZ are regulatory relief from DRI thresholds, it's a commitment to community planning, it's about making connections within their community and the town looks forward to continuing with the process.

Kevin Grunwald referred to the stakeholder process and asked if there were any surprises. Elizabeth Jenkins said they had a significant process and it was a recognition of the GIZ. She said they saw a shift from problems to solutions and said it was more of a focus on solution-oriented issues.

Todd DeLuca, President and CEO of the greater Downtown Hyannis Chamber of Commerce, asked for the Commission's support of the GIZ application.

Felicia Penn, resident of Hyannis, said she was a former member of the Barnstable Planning Board during the original Downtown Hyannis Growth Incentive Zone (DHGIZ). She said the original GIZ decision was 35 pages long and the new decision is 11 pages long and there is a notable absence in the GIZ decision and in the GIZ itself for preserving historically sensitive areas. She submitted a copy of suggested edits to the Commission's draft GIZ decision and

discussed her edits to the language as outlined in the copy she submitted. She said she did some editing and organizing of the Commission's draft decision and noted that the draft decision contains findings but does not have conditions and suggested that conditions be added to the decision. She said she has concerns that there is no mention of mitigation or impact fees and said Barnstable does not have the same tools as the Commission for DRI review. She said it's up to the Commission to see that the town does develop these tools.

Elizabeth Wurfain, Hyannis Main Street Business Improvement District, said this is a good tool and it's a good opportunity for a GIZ. She said she supports the Barnstable Planning Department and disagrees with Ms. Penn regarding mitigation. She said the GIZ is a way to look forward with a new idea and to let go of the past. She said she is excited to see a new process come together.

Commission member Jack McCormack left the meeting at 4:17 p.m.

Jackie Etsten said she has concerns about the GIZ and what happened on Pleasant Street in the East End of Hyannis is a very troubled area. She said the Historic Commission was passed by regarding Pleasant Street and safe guards there were not considered. She said on Route 28 there needs to be more design review and a need for the Commission to review architectural design. She said she does not support the GIZ decision.

Royden Richardson said he supports the good work that has been done and appreciates the comments that have been made. He said there has been a disregard for historic concerns.

Chair Harold Mitchell noted that the public hearing will be continued to April 19, 2018 for further discussion.

Joy Brookshire said she would like Ms. Penn's comments to be taken into consideration. She said Ms. Penn has experience and she would like her comments to be considered and added to the decision.

Ernest Virgilio said this is a good starting point and he appreciates the comments on both sides.

Jon Idman said he would ask the Commission to give him more direction on historic properties and natural resources and said there needs to be a balance. He said Ms. Penn made some good statements, however, the town approved the demolition of those structures and it was under the town's jurisdiction. He said the GIZ is not about particular development it's about designating a district as a GIZ.

Joy Brookshire said in the past the Commission has looked at demolition of historic structures. She said they have to be clear on the wording so that it provides an explanation in the future on what is being done now. Charles McCaffrey said no one is looking for absolute standards as it's reasonable to have some relief. He said the Commission needs to make sure the town has adequate regulations in place for their review. Jon Idman said that is something he can discuss with the town. Royden Richardson said we need to put a value on special historic sites. Mr. Idman said in the application there are incentives to preserve historic places and said it's good to incentivize rather than to look at destruction.

Kristy Senatori thanked the town's staff and Commission staff for their presentations and said this is an important decision for the town, the Commission and the community. She said it would be helpful for staff to come back with more clarification on what is appropriate for a GIZ and any concerns can be addressed by staff when the Commission meets again on this.

Joy Brookshire asked if mitigation could be provided for other historic structures if someone feels they have to demolish a structure. Jon Idman said maybe that is something the town wants to enter in their strategic plan. He said their strategic plan will change over time and said this is the beginning not the end. Roger Putnam said we need to be careful not to infringe on the town's ability to manage their own town.

Elizabeth Jenkins said Pleasant Street was a long process for the town, it's more complicated and she agreed that they need to put more focus on the Historic District Commission. She said this is the beginning, they look forward to discussions and they are more than willing to work with the Commission to make sure values are incorporated in the decision.

Mike Skelley moved to continue the public hearing to the Cape Cod Commission meeting on Thursday, April 19, 2018 at 3:00 p.m. in the Harborview Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA. Ernest Virgilio seconded the motion and a vote called on the motion passed with a unanimous vote.

■ **NOTICE OF WITHDRAWAL: 46 PLEASANT STREET, SOUTH YARMOUTH DEMOLITION REQUEST**

Jeffrey Ribeiro, Regulatory Officer at the Commission, provided an overview of the project at 46 Pleasant Street in South Yarmouth and said the Commission received confirmation from the Town of Yarmouth that the applicant for the project, Davenport Building Company, has withdrawn all local permit applications from the Town for proposed demolition of the main house therefore the project has been withdrawn from Development of Regional Impact review. He said the applicant will work with the Town to preserve the contributing structure.

Mr. Ribeiro said he will be leaving the Commission to work as the Town Planner in Provincetown. He said he applauds Commission members for their commitment and said it has been a pleasure working with Commission members and staff.

■ **REQUEST FOR NOMINATING COMMITTEE**

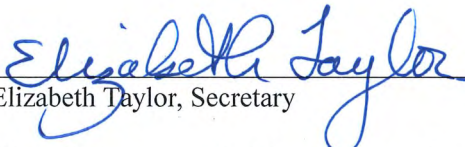
Chair Harold Mitchell asked for members to volunteer to serve on the Nominating Committee for the purpose of nominating a Slate of Cape Cod Commission Officers for Chair, Vice-chair and Secretary for the term beginning July 1, 2018 through June 30, 2019. Chair Mitchell noted that Commission member Ernest Virgilio expressed interest in serving as the Nominating Committee Chair and any members interested in volunteering should contact Mr. Virgilio. He said the Nominating Committee will meet in a posted meeting in April or May and will present the Slate of Officers to the full Commission at a scheduled meeting in May or June.

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

Mike Skelley said he has never seen the Legislative Delegation come before the full Commission. He said bridge work has been held up by the Army Corps of Engineers. Chair Harold Mitchell said this is something the Metropolitan Planning Organization (MPO) could address as they are doing a Canal Study.

A motion was made to adjourn at 4:50 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/Presented at the March 22, 2018 Commission Meeting

- Handout material: March 22, 2018 Commission Meeting Agenda.
- Material presented: Draft Minutes of the February 22, 2018 Commission Meeting.
- Handout material: Falmouth Technology Park Development Agreement Extension.
- Material presented: PowerPoint presentation on GIZ 2018 “What Gets Measured is What Gets Done” by Heather Harper, Community Design/Affordable Housing Specialist at the Commission.
- Material presented: PowerPoint presentation on the Downtown Hyannis Growth Incentive Zone Re-designation by Elizabeth Jenkins, Director of Planning and Development for the Town of Barnstable.
- Document presented and submitted: Suggested edits to the Draft Downtown Hyannis Growth Incentive Zone Re-designation Decision by Felicia Penn.