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CAPE COD  
COMMISSION

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## Minutes

### Workshop/Meeting Cape Cod Commission Cape Cod Commission • Large Conference Room 3225 Main Street, Barnstable, MA 02630

November 30, 2017

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

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

The Cape Cod Commission Member Workshop Meeting was called to order on Thursday, November 30, 2017 at 3:00 p.m. in the Cape Cod Commission, Large Conference Room, 3225 Main Street, Barnstable, MA. Roll was called and a quorum was established.

## **SUMMARY OF ACTIONS TAKEN/VOTES:**

### **Section 208 Cape Cod Area Wide Water Quality Management Plan**

Cape Cod Commission staff discussed and provided an overview of the 2017 Implementation Report, an addendum to the Section 208 Area Wide Water Quality Management Plan, and specific next steps and actions recommended to implement the report. Commission staff also discussed ongoing regional efforts in the area of water quality, including an update on the Cape Cod Water Protection Collaborative, described the development of a regional monitoring program and recent local successes in shared watershed planning.

### **Second-home Owners: Who are they? How do they use their homes today and in the Future? Do they support the local economy?**

Commission staff presented the Cape Cod Second Homeowners Technical Report of 2017 Survey Findings, identified changes from a 2008 second homeowner survey and answered Commission members' questions.

### **Discussion and Potential Vote of Alternate Posting Location**

Cape Cod Commission staff and members discussed and voted unanimously to adopt the Commission's website as its official notice posting method for posting meeting notices in accordance with the Open Meeting Law (M.G.L. c. 30A §18-25) and its regulations (940 CMR 29.00).

## **■ SECTION 208 CAPE COD AREA WIDE WATER QUALITY MANAGEMENT PLAN**

With the use of PowerPoint slides Erin Perry, Special Projects Manager at the Commission, provided an update on implementation of the Section 208 Water Quality Management Plan and said the Implementation Report was recommended in the Section 208 Plan. She said the 2017 Implementation Report was submitted to the Department of Environmental Protection on October 31, 2017 and once it's approved and certified, the State will submit the Report to the U.S. Environmental Protection Agency for approval. She said the Implementation Report is broken down into sections and Section Two—Implementing the 208 Plan Recommendations—focuses on monitoring, the technologies matrix, pilot projects, regional regulatory review, watershed permitting, cost, partnerships, priority watersheds, and data. Ms. Perry explained information provided in Appendices A through M of the Implementation Report and said Appendix B addresses watershed reports. She said Appendix B provides an introduction to the watershed reports, it talks about the problem, traditional and non-traditional scenario development, it looks at local progress and watershed scenario details in towns, it contains watershed-based scenario maps, and methodology for selecting non-traditional technology scenarios. Ms. Perry said the next steps include 11 priority watersheds, adoption of intermunicipal agreements by towns that outline responsibilities for nitrogen allocation and an outlined approach for coordinated efforts; she discussed progress to date regarding intermunicipal agreements for Popponesset Bay, Pleasant Bay, Chatham/Harwich and Dennis/Harwich/Yarmouth; and the next steps regarding monitoring and financing. She said the 208 Plan recommends a regional water quality monitoring program and a data warehouse. She said several organizations are collecting data and they hope to have all the data that is being collected from these organizations stored in one central database. She said the regional monitoring program revolves around funding and they need a consistent regional funding stream to support the program. She said they need to identify a sustainable revenue stream for the monitoring program such as a Cape Cod Capital Trust Fund and pursue grant opportunities for additional pilot projects. Ms. Perry referred to the Cape Cod Water Protection Collaborative (CCWPC) and said it aligns more with the 208 Plan, she said the Commission is staffing the Collaborative, the County Ordinance establishing the CCWPC was redrafted and approved in June 2017, the CCWPC Governing Board met and reorganized in July 2017, they have a standing meeting agenda item for monitoring and financing, and the Commission will continue to work with the CCWPC on the 208 Plan.

Richard Conron asked if Joint Base Cape Cod is involved in the process. Erin Perry said the upper Cape Towns have been engaged in discussions.

## ■ **SECOND-HOME OWNERS: WHO ARE THEY? HOW DO THEY USE THEIR HOMES TODAY AND IN THE FUTURE? DO THEY SUPPORT THE LOCAL ECONOMY?**

With the use of PowerPoint slides Leslie Richardson, Chief Economic Development Officer at the Commission, presented the survey findings of the 2017 Cape Cod Second Home Owners Technical Report. She said the 2017 survey is the second of its kind and said the survey was also done in 2008. Ms. Richardson said the survey purpose, unchanged from 2008, is to understand how second homes are being used, how they might be used in the future, and how second homeowners participate in the local economy in order to inform economic development and land use planning across Cape Cod. She compared the 2008 survey to the 2017 survey and said the response rate in 2008 was 31% and 20% in 2017. She showed a breakdown based on age, household size, education, income, and number of years on Cape Cod and referred to slides showing data of sample versus actual town share of all second homes on Cape Cod. She discussed results of the survey for second homes in terms of location, type and size, ownership, current use, occupancy, average days per month, average people per month and how second homeowners plan to use their home in the future. She discussed economic impact and how second homeowners support the local economy by providing community support, the type of support, frequency of visits to cultural activities, and buying local goods and services. Ms. Richardson discussed how second homeowners perceive environmental threats to their property regarding water quality and coastal threats and said most homeowners are not concerned with water quality or face coastal threats.

Kevin Grunwald inquired about the character of second homes and how it impacts a community. Leslie Richardson said some people are on the Cape for a short period of time and may not be interested in the character. She said tear downs replaced by large homes being built change the character.

Michael Skelley said second homeowners pay a lot in taxes to Chatham. He said Chatham has the second lowest property tax rate in the state. He said second homeowners should not be put at risk and said he believes they are essential to the community. He said Chatham built a wastewater treatment plant beyond capacity.

Richard Conron asked who would come to the Commission requesting this type of information. Leslie Richardson said town planners and other municipal officials. She said the 2008 survey was done in partnership with the Cape Cod Chamber of Commerce.

Jack McCormack said most of the infrastructure that is built and maintained includes second homeowners. He said we have to anticipate need.

Roger Putnam said it would be interesting to look at service calls from 20 years ago versus today. He said he would like to see a comparison with other towns. He said Wellfleet has seen a vast increase in EMT service and a decrease in fire service.

Kristy Senatori, Deputy Director at the Commission, said Commission staff has completed a housing needs assessment that will be brought to the Commission at a future workshop.

## ■ **DISCUSSION AND POTENTIAL VOTE OF ALTERNATE POSTING LOCATION**

Jessica Wielgus, Commission Counsel, said this agenda item is driven by a couple of factors. She said the first one being that the Attorney General is charged with the Open Meeting Law and promulgating its regulations and recently the Open Meeting Law regulations have been amended. She said the second reason is that the Commission's Executive Committee received an Open Meeting Law complaint for a technical issue relating to the way the agenda was posted on the bulletin board and what was written on it and how it was written. She said when the complaint was taken to the Commission's Executive Committee to discuss how to respond to the complaint, the Committee had a conversation on whether or not to designate the Commission's website as an alternate posting site for purposes of Open Meeting Law postings. She said the Executive Committee directed Ms. Wielgus to come before the full Commission to have that conversation as the regulations require that the matter be taken up by the full Board for designation of the website as an alternate posting method. Ms. Wielgus said staff recommends that the full Commission consider doing this as it would generally reduce the Commission's exposure and liability on these types of complaints, it would make the Commission's website the official location for posting meeting notices, and that is where staff would have to comply with the Open Meeting Law. Ms. Wielgus said she would be happy to answer questions and said the Commission could consider potentially voting on this today.

John Harris said he keeps hearing “alternate” and asked would it be primary or in addition to. Ms. Wielgus said the way the Law is written now, depending on what type of body you are, the general requirement is to post on a physical board. She said the County has an actual bulletin board that staff posts to and the only way to not use the physical board and use a website is to designate what is called an alternate posting site. She said the official site would no longer be the physical board instead the Commission’s website would be the official site where we would be judged for posting. She said that is what is meant by alternate, there would not be more than one location and the Commission’s website would be the official site. She said Commission staff does post notices outside of the Commission building and said that is done as a matter of convenience for the public. She said not everyone goes onto a computer to look and there are a lot of people coming in and out of the Commission’s building. She said it’s not a requirement; it’s put there as a convenience to the public and staff will continue to do that. Ms. Wielgus said at this time the primary posting site is the board outside of the County Commissioner’s office at the Superior Courthouse; she said that is considered the official posting location where staff goes now to post.

Chair Harold Mitchell called for a motion to adopt the Cape Cod Commission’s website as the official notice posting method for the purpose of posting meeting notices in compliance with the Open Meeting Law for the Cape Cod Commission, its Standing Committees and all subcommittees that advise, make recommendations or serve a public purpose in assisting the Cape Cod Commission in its mission. The motion was moved by Michael Skelley and seconded by Roger Putnam. A vote called on the motion passed with a unanimous vote.

■ **NEW BUSINESS:** *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*  
No new business was taken up.

A motion was made to adjourn at 4:10 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary

### **List of Documents Used/Presented at the November 30, 2017 Commission Workshop Meeting**

- Handout material: November 30, 2017 Commission Workshop Meeting Agenda.
- Material Presented: PowerPoint presentation on the Update on Implementation of the Section 208 Cape Cod Area Wide Water Quality Management Plan
- Material Presented: PowerPoint presentation on the Cape Cod Second-Home Owners