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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

May 23, 2013

The meeting was convened at 6:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Michael Blanton	Absent
Brewster	Elizabeth Taylor	Absent
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Andrew Putnam	✓
Harwich	Jacqueline Etsten	Pending
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Vacant	Vacant
Truro	Vacant	Vacant
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, May 23, 2013 at 6:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

Martha's Vineyard Hybrid Cable Project

The Cape Cod Commission conducted a public hearing on the Martha's Vineyard Hybrid Cable project. After closing the hearing and the record, the Commission approved by a unanimous vote the Martha's Vineyard Hybrid Cable project as a Limited Development of Regional Impact and approved the written decision as amended.

Nomination and Election of New Officers

After the nominating committee presented the slate of new officers, it was approved by a vote of the Commission.

Other Business

The full Commission requested that regarding the possible change to the meeting time, CCC membership and attendance.

■ **PUBLIC COMMENT**

Roger Putnam inquired about the meeting time change from 3:00 p.m. to 6:00 p.m. and asked who has the authority to change the meeting time.

Jessica Wielgus, Commission Counsel, said a meeting could be held at any time and said it was properly posted according to the Open Meeting Law requirements. She said that is something that Commission members should discuss.

Austin Knight expressed his concerns and asked if there would be an opportunity later in the meeting to discuss this matter.

Chair John Harris said, yes, it would be taken up later in the meeting.

■ **EXECUTIVE DIRECTOR'S REPORT**

Deputy Director Kristy Senatori reported on new personnel at the Commission. She said David Still has been hired as a Special Projects Coordinator and said he will be working on the 208 Plan; Dave Sullivan will be starting at the Commission on Monday as the Applications Implementation Manager and said he will be assisting with the e-Permitting initiative; and Brett Whitely will be starting as a GIS Analyst. Ms. Senatori reported on the Smarter Cape Summit that was recently held and gave an update on the 208 Plan.

■ **MINUTES**

The minutes of the April 11, 2013 Commission meeting were reviewed. Austin Knight moved to approve the minutes. Royden Richardson seconded the motion.

Jack McCormack noted a correction to the second paragraph on page 4 and said the word "aggregating" is incorrect and should be replaced with the word "abrogating."

Roger Putnam moved to approve the minutes as amended. Austin Knight seconded the motion. The motion passed with a unanimous vote.

■ **MARTHA'S VINEYARD HYBRID CABLE PROJECT**

Chair John Harris noted that this is a continued hearing from May 14, 2013.

The subcommittee reviewed the minutes of the May 14, 2013 public hearing. Ernest Virgilio moved to approve the minutes of May 14, 2013. Len Short seconded the motion. The motion passed by a unanimous vote of the subcommittee.

Andrea Adams, senior regulatory planner, described the project as a new 4.5-mile submarine hybrid fiber optic/electric cable to Martha's Vineyard that would provide reliable, redundant communications and electric services to Martha's Vineyard. She said the Falmouth landing site is a municipal parking lot at the intersection of Mill Road and Beach Road/Surf Drive. She said the proposed installation would be done through horizontal

directional drilling (HDD) with the seagoing cable laid from aboard a cable ship or barge. She said the cable will be laid along the proposed route in one continuous length using a cable-trenching remotely-operated vehicle or hydroplow. She explained the Commission's jurisdiction and said the subcommittee previously scoped the project for DRI review to Coastal and Marine Resources issue areas which includes a condition that requires use of sediment controls during construction. Ms. Adams explained the standards of review and consistency with the Cape Cod Commission Act, the Regional Policy Plan, Districts of Critical Planning Concern, municipal bylaws, Commission Certified Local Comprehensive Plan and probable benefit versus probable detriment. Ms. Adams reviewed the subcommittee's analysis and recommendations for issue areas regarding Coastal Resources and Marine Resources and noted an amendment on page 17 of the draft decision.

Les Smith, Epsilon Associates, noted a clarification for the HDD and said it would be done between October 15 and April 15. Mr. Smith noted that he had given a presentation in April and would not be giving a presentation today. He said he would be happy to address any questions the Commission has.

Andrea Adams noted that Mr. Smith's presentation from April was included in the materials given to Commission members.

There was no testimony given from federal, state, municipal entities or the public.

Royden Richardson moved to close the hearing and the record. Austin Knight seconded the motion. The motion passed with a unanimous vote.

Jack McCormack moved that the Limited Development of Regional Impact decision be approved and adopted as amended. Austin Knight seconded the motion. The motion passed with a unanimous vote.

■ **NOMINATION AND ELECTION OF NEW OFFICERS**

Ernest Virgilio, Chair of the Nominating Committee, presented the slate of new officers. He said the committee—Len Short, Richard Roy and Chair Ernest Virgilio—nominate Jack McCormack as Chair, Richard Roy as Vice-chair, and Andrew Putnam as Secretary for the one-year term beginning July 1, 2013 through June 30, 2014.

Roger Putnam moved to close the nominations. Austin Knight seconded the motion. The motion passed with a unanimous vote.

Roger Putnam moved that the Secretary cast one ballot. Austin Knight seconded the motion. Secretary Richard Roy approved the slate of new officers.

■ **OTHER BUSINESS**

Roger Putnam thanked the outgoing officers.

Austin Knight expressed concern about the meeting time change from 3:00 p.m. to 6:00 p.m. and said the time change should have been discussed and decided by the full Commission. He said he believes it should go back to 3:00 p.m.

Ernest Virgilio agreed with Mr. Knight.

Royden Richardson said the decision to make the change was not done without Commission participation through the ad hoc committee established for that purpose.

Andrew Putnam expressed the need to address Commission member vacancies.

Roger Putnam said he believes if people are interested, they would come to Commission meetings. He expressed concern that a 6:00 p.m. time conflicts with other meetings Commission members may have.

Executive Director Paul Niedzwiecki agreed with Mr. Roger Putnam and said he apologizes for the lack of communication. He said it was meant to work on membership because it is very important. He suggested that they schedule a time for the entire board to meet outside of a Commission meeting to have this discussion.

Andrew Putnam agreed it would be good to have this discussion.

Ernest Virgilio agreed that there should be a session scheduled to discuss this and said he has a lot of concerns that he would like to discuss, including having experienced members.

Austin Knight agreed they should get together as a group to discuss this. He said the Commission is issue driven and people come to meetings for the issues not the time. He asked until that discussion happens are the meetings going back to 3:00 p.m.

Paul Niedzwiecki said, yes.

Jessica Wielgus said regarding the election of the slate of new officers, the Commission delegated authority to Secretary Richard Roy to state that vote. She asked Mr. Roy to restate his vote.

Secretary Richard Roy restated his vote to approve the nominations as presented.

A motion was made to adjourn at 7:05 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Richard Roy, Secretary

LIST OF DOCUMENTS PRESENTED AT THE MAY 23, 2013 COMMISSION MEETING

- Handout material: May 23, 2013 Commission meeting agenda.
- Materials presented: PowerPoint slide presentation on the Martha's Vineyard Hybrid Cable project prepared by the Cape Cod Commission.