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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission First District Courthouse • Assembly of Delegates Chambers 3195 Main Street, Barnstable, MA

December 3, 2015

The meeting was convened at 3:10 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	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Mark Weinress	Absent
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Danielle Hill	✓
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, December 3, 2015 at 3:10 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

Continued Public Hearing: Provincetown Municipal Airport Capital Improvement Plan Ph-1 #TR-HDEX06005

Following presentations, public testimony, discussion and deliberation on the Development of Regional Impact (DRI) Hardship Exemption application by the Provincetown Airport Commission for construction of the proposed Capital Improvement Plan Phase 1 project components located at 176 Race Point Road in Provincetown, MA, the Commission voted unanimously to adopt the draft written DRI Hardship Exemption decision and to approve the project subject to conditions set out in the draft decision.

Public Hearing: Downtown Hyannis Growth Incentive Zone Extension #GIZ05034

Following presentations, public testimony, discussion and deliberation on the Town of Barnstable's request to extend the initial 10-year term of its designated Downtown Hyannis Growth Incentive Zone (GIZ) to October 6, 2017, the Commission voted unanimously to approve the Town's request to extend the duration of the GIZ to October 6, 2017.

■ **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Paul Niedzwiecki said Commission staff gave a presentation to the Connecticut Association of Water Pollution Control Authorities on the 208 Regional Water Quality Management Plan and the Commission was recognized by the Homebuilders Association at their 65th Anniversary meeting. He said the five-year review/update of the Commission's Regional Policy Plan (RPP) is underway, they finished the stakeholder meetings in November, and a draft document may be available for the RPP Ad Hoc Committee sometime in January. He said in regard to Commission personnel the Commission hired Heather Cormier to fill the GIS Analyst position and he noted that Beth Perry, Regulatory Officer at the Commission, will be leaving the Commission in January to go back to school to become a teacher and said the Commission is very excited for Beth. Mr. Niedzwiecki referred to recent newspaper articles regarding the County leadership position and said the County is in a delicate position. He said he was asked to consider a temporary assignment to help the County for a short period of time and said his response was that he is willing to discuss it. Mr. Niedzwiecki said he is very happy working at the Cape Cod Commission and he is not interested in leaving the Commission.

■ **MINUTES**

The minutes of the October 29, 2015 Commission Workshop/Meeting were reviewed. Jack McCormack moved to approve the minutes. Roger Putnam seconded the motion. A vote called on the motion to approve the minutes passed with 14 votes in favor and 2 abstentions.

■ **PROVINCETOWN MUNICIPAL AIRPORT CAPITAL IMPROVEMENT PLAN PHASE-1 #TR06005**

Chair Richard Roy noted that this is a continued hearing from November 12, 2015. Secretary Jack McCormack read the hearing notice and opened the hearing at 3:15 p.m.

Richard Doucette, Environmental Program Manager for the Federal Aviation Administration (FAA), said the FAA provides funding to all airports in the nation and they have been working with the consultant on the Provincetown Airport project. He said the environmental impacts are minor as an environmental project. He said he appreciates the time spent on the project and he looks forward to a favorable decision for the project.

Nate Rodding, Mass DOT Aeronautics Division, said he looks forward to the Commission's decision.

Amy Ball, Senior Ecologist with the Horsley Witten Group, said the Airport has been working on this project for a number of years which started as a master plan as there are a series of smaller projects that constitute a master plan. She provided an overview of the project with the use of PowerPoint slides. She said the Airport lies within the confines of the Cape Cod National Seashore. She referred to slides showing the existing conditions for site content, coastal flood zone, and rare species habitat. She said the Airport is located within a floodplain and the project has gone through extensive review with the Natural Heritage Program. Ms. Ball then described the Capital Improvement Plan

(CIP) Phase-1 proposed project components regarding the westerly taxiway system improvements, relocation of the east end taxiway, installation of taxiway lighting and construction of an electric vault, repair of the Sightseeing Shack, improvement to Service Road to approach light system, construction of Service Roads to LES and AWOS, installation of a perimeter safety/security fence, expansion of auto parking and expansion of the turf apron. Ms. Ball discussed impacts to resources regarding freshwater wetlands and coastal dunes and explained proposed project mitigation for on-site wetland mitigation, participation in Massachusetts In Lieu Fee Program, on-site coastal dune creation, on-site invasive species management, net reduction in pavement, stormwater management, erosion and sedimentation control, rare species protection plans, construction timing, mitigation oversight/Environmental Monitor, and long-term monitoring. She said the proposed project supports the goals of the Commission's Regional Policy Plan as it fosters a sustainable economy and provides safe and reliable regional transportation options. She said the proposed project also provides on-site and regional mitigation, manages invasive species, protects water quality, and protects/restores habitat.

Arthur Lisenby, Airport Manager, said the Airport is behind the project and the Town has also been supportive for many years.

Jeff Ribeiro, Regulatory Officer, said this project has been under various levels of review for many years. He provided a procedural history for the project and said it came to the Commission for Development of Regional Impact (DRI) review through the MEPA process and said the Secretary of the Executive Office of Environmental Affairs issued a certificate on the Final Environmental Impact Report (FEIR) on February 17, 2012. He said the applicant decided to phase the project components approved by the FEIR and submitted a DRI Hardship Exemption application on July 28, 2015 for the Phase I project components in the draft decision. He said the first public hearing was held by a Commission hearing officer on November 4, 2015 and continued to the full Commission to consider the DRI Hardship Exemption. He explained the project's consistency with the Commission's Regional Policy Plan (RPP) in the issue areas of land use, economic development, water resources, transportation, and Heritage Preservation//Community Character. Mr. Ribeiro said Heather McElroy will provide an overview for the issue area of Natural Resources.

Heather McElroy, Natural Resources Officer at the Commission, said the Airport began preparation for this project many years ago. She said the Airport is within a National Park and the proposal does have impacts. She described the impacts regarding wetlands and said rare species have been addressed through The Natural Heritage Program (NHG) and other impacts need to be considered for relief by the Commission today. She discussed proposed taxiway improvements, access roads, approach, the station, the wildlife fence and proposed parking. She explained what is being proposed for wetland restoration and said wetland buffers have been minimized, coastal dunes will be impacted and the proposed treatment of stormwater should be a benefit in the end.

Jeff Ribeiro said based on correspondence by Gloria McPherson, Provincetown Town Planner, and review by Commission staff the project is consistent with local development bylaws, the Town's Local Comprehensive Plan, and the project is not located within a designated District of Critical Planning Concern (DCPC) other than the Cape-wide Fertilizer Management DCPC for which the Town has in place implementing regulations and the project is consistent with those implementing regulations. He referred to General Findings 13 and 14 in the draft decision and said Commission staff finds that the probable project benefits outweigh the probable project detriments. He said the probable benefits are increase to operation safety at the Airport, it positions the Airport to better serve its current operations, a reduction in impervious area, restoration of wetlands and management of invasive species. He said Commission staff recommended one probable detriment as impacts to wetlands and rare species.

Kevin Grunwald inquired about the perimeter fence and the wildlife assessment in 2013 and asked if there were accidents on the runways from large animals. He referred to perimeter maintenance and inquired about a plan for clearance.

Maryann Magnum, wildlife biologist, said there have been incidents of deer strikes at the Airport. She said the perimeter fence is the most recommended treatment of deer at the Airport. She said deer graze right up to the runway and hunting also takes place there. She said regarding maintenance there would be light clearing of the footprint. She said the purpose of clearing is to keep the fence clear, serves for better inspection of the fence and an escape route for deer.

Ernest Virgilio referred to smaller animals that burrow and asked if the fence would be buried in the ground. He said he has a problem understanding animal contact with planes in the area.

Maryann Magnum said the fence would not be buried in the ground because of the habitat. She said there is a lot of environment around the Airport that would be highly desirable for animals to graze and live. She said there is no plan to bury the fence. She said most deer come up from the south and the idea is that the fence will redirect the deer.

Richard Conron inquired about funding for the project. Richard Doucette said the FAA funds planning and the majority of mitigation comes from the FAA.

Richard Conron asked if federal funding is locked in. Richard Doucette said the FAA does anticipate funding.

Jack McCormack said most of the improvements are safety improvements. He said the Provincetown Airport is an integral part of transportation on Cape Cod and it's a good project.

Chair Richard Roy called for federal, state and municipal testimony. There was no testimony given. The Chair called for public testimony. There was no testimony given.

Roger Putnam said the project will provide improved safety and service. He said he would strongly recommend approval of the project.

Roger Putnam moved to adopt the draft written DRI Hardship Exemption decision and approve the project subject to the conditions set out in the draft decision. Elizabeth Taylor seconded the motion. A vote called on the motion passed with a unanimous vote to approve the project.

■ **DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE TERM EXTENSION #GIZ05034**

Secretary Jack McCormack read the hearing notice and opened the hearing at 4:07 p.m.

Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, said the Town is requesting an extension of the duration of the Downtown Hyannis Growth Incentive Zone (GIZ). She distributed a handout on the goals of the Downtown Hyannis GIZ to Commission members. She gave a procedural history for the GIZ and said the 10-year term is due to expire in April 2016. She said the Commission's Growth Incentive Zone regulations allow for an extension and/or modification and today the Town is asking for an extension of 18 months without changing anything in the designated GIZ. She said then within the 18 months the Town will prepare a modification for this area. She said the Town is engaging in a housing plan and parking plan for the Downtown Hyannis area. She provided an update on the GIZ regarding non-residential thresholds and residential thresholds and said the Town has completed offsets that were laid out in the GIZ decision. She thanked Town staff and the Commission who worked on the GIZ. She said the focus that has been brought to Downtown Hyannis has been a success. She said the Town has learned through experience that other changes need to be made and they are looking to move forward with a more modern tool.

Jon Idman, Chief Regulatory Officer, said Commission staff supports the Town's request to extend the timeline for the Downtown Hyannis GIZ. He said a Certificate of Compliance was issued by the Commission and the Town is in compliance with the GIZ decision. He said the infrastructure that was in place to create the GIZ is still in place. He said the Commission is being asked to extend the duration of the GIZ 18 months to October 6, 2017.

Ray Lang, Vice-chair Barnstable Planning Board, said this effort is extremely important to him because of the work he has put into the GIZ. He said changes need to be made; needs in the area of the medical complex need to be looked at, the harbor area did not happen as soon as they would have liked, and parking needs to be changed. He said it's not perfect and now is the time to correct/change the plan that they have and he thanked the Commission for their consideration.

Felicia Penn, resident of Hyannis, said she is speaking in favor of the extension. She said she was on the Barnstable Planning Board and was very active in the creation of the GIZ. She said as Mr. Lang stated it's not perfect and this is an opportunity to improve the GIZ.

Jackie Etsten said the GIZ covers broad areas and one concern has always been is that it covers the National Register District. She said she hopes the Town broadens the approach with better zoning and enforcement.

Royden Richardson said he served the Town in many roles for a long time. He said the GIZ is unfolding and we see more and more improvements that need to be made. He said he is glad the medical issues are still on the table as well as the harbor and historical areas. He said he believes historical and business areas can work hand in hand and help one another. He said there are good people working on the GIZ and he supports the extension.

Len Short said he knows the Cape Cod Symphony would like to have a more central location in Hyannis instead of the high school. He said it would make a substantive difference if they had a concert facility in the downtown area.

Jack McCormack said Yarmouth has a GIZ and economic conditions have bogged down a lot of development but they know of major changes that are going to happen. He said he supports the GIZ extension.

Royden Richardson moved to approve the Town of Barnstable's request to extend the duration of the Downtown Hyannis Growth Incentive Zone to October 6, 2017. Roger Putnam seconded the motion. A vote called on the motion passed with a unanimous vote in favor of the extension.

A motion was made to adjourn at 4:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Jack McCormack, Secretary

List of Documents Used/Presented at the December 3, 2015 Commission Meeting

- Minutes of the October 29, 2015 Commission Workshop/Meeting.
- Handout material: December 3, 2015 Commission meeting agenda.
- Handout material: Draft Development of Regional Impact Hardship Exemption Decision for the Provincetown Municipal Airport CIP Phase-1 project.
- Material presented: PowerPoint presentation on the Provincetown Municipal Airport CIP Phase-1 project prepared and presented by Amy Ball of the Horsley Witten Group.
- Handout material: Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone.
- Material submitted: Downtown Hyannis Growth Incentive Zone Goals submitted by Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable.