

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Minutes

Meeting

Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers
3195 Main Street, Barnstable, MA 02630

January 11, 2018

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	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Len Short	✓
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	✓
Governor's Appointee	Michael Maxim	✓

The Cape Cod Commission Meeting was called to order on Thursday, January 11, 2018 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

Approval of Minutes: The minutes of the November 9, 2017 Commission meeting were approved with 12 votes in favor and one abstention (Joy Brookshire).

Public Hearing: Lighthouse Inn Groin Improvements #LR16030. Following presentations, public testimony and discussion, the Commission deliberated on the Development of Regional Impact (DRI) Scoping application for proposed reconfiguration of existing groin structures along the shoreline of the Lighthouse Inn property for the purpose of enhancing shoreline protection and natural tidal flow to the property at 1 Lighthouse Inn Road in West Dennis, MA. Following deliberation, the Commission voted unanimously to adopt the DRI Scoping Decision and approve the project allowing the applicant to proceed with local permitting for the project without further DRI review.

Notice of Withdrawal: Dollar General Eastham #DR17013. Commission staff reported to the full Commission that since the December 14, 2017 Commission meeting the Eastham Town Planner has notified Commission staff confirming that all town permit applications for the Dollar General Eastham project have been withdrawn from the town, and accordingly, the project has been withdrawn from Development of Regional Impact review.

■ MINUTES

The minutes of the November 9, 2017 Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Jack McCormack seconded the motion and a vote called on the motion passed with a unanimous vote.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said the County budget process is underway, the proposed Early Retirement Incentive Program is being considered possibly for July 1 and the National Oceanic and Atmospheric Administration (NOAA) Coastal Resiliency Grant stakeholder meetings are starting up again. Mr. Niedzwiecki announced that he will be stepping down as Executive Director and his last day at the Commission will be February 2. He said he accepted an offer with the Southfield Redevelopment Authority as its first Executive Director to oversee the redevelopment of the former South Weymouth Naval Air Station. He said it's a unique opportunity and it was a very difficult decision to make. He thanked Commission Chair Harold Mitchell and County Commissioner Leo Cakounes for their assistance during this process. He said the Commission's Executive Committee approved Deputy Director Kristy Senatori as Acting Executive Director beginning February 5. He said the full Commission will be meeting again in two weeks and he will be prepared to give an exit report to the Commission at that meeting. He thanked Commission members and said he is grateful for the opportunity he has had at the Commission.

■ LIGHTHOUSE INN GROIN IMPROVEMENTS #LR16030

Chair Harold Mitchell read the hearing notice and opened the public hearing at 3:07 p.m. He said the Commission will hear presentations and take public testimony on the Lighthouse Inn Groin Improvements project for proposed reconfiguration of existing groin structures along the shoreline of the Lighthouse Inn property for the purpose of enhancing shoreline protection and natural tidal flow to the property at 1 Lighthouse Inn Road in West Dennis.

Mark White, Environmental Partners Group, with the use of PowerPoint slides said the Lighthouse Inn is located adjacent to the West Dennis Beach which is part of a larger jetty system or groin system. He provided background information on the property and said it was purchased in the 1930s, it has been owned and operated by the same family since that time, and the lighthouse on the property is a privately maintained and working lighthouse that is still a navigational aid for the Coast Guard. He said the Lighthouse Inn is a seasonal resort with a restaurant and cottages on the property and the Inn has lost a lot of stays due to seaweed accumulation causing a noxious odor. He said the groins were reconfigured in the early 1970s and the objective of the proposed project is to reconfigure the groin structure to improve natural tidal flow and flushing, stabilize the beach, reduce detrital accumulation and restore more natural beach. Mr. White said the proposed project will remove one-third of the breakwater, create three T-head groins with

two gaps to make pocket beaches and beach re-nourishment. He gave examples and showed before and after slides of areas where this type of work had been done elsewhere in Nassau, the Bahamas, Granada, Hawaii and Miami Beach, Florida and said they would be using the same environmental firm as the other projects. He provided a history on the regulatory coordination with the US Army Corps of Engineers, National Marine Fisheries, Massachusetts Environmental Policy Act (MEPA), Department of Environmental Protection, Coastal Zone Management and submission of a Limited Development of Regional Impact (DRI) review application to the Cape Cod Commission. He said the project involves no upland development and only the reconfiguration of water-dependent structures. He explained the applicable Regional Policy Plan (RPP) issue areas for DRI review for land use, economic development, coastal resources and wildlife and plant habitat. Mr. White discussed the project benefits and said the project will provide a groin system more conducive to maintaining shoreline protection and sand beach; it will improve water circulation, reduce detrital seagrass accumulation; it will provide better protection of the Inn and historic lighthouse; and the project is consistent with the Dennis comprehensive plan and the Commission's Regional Policy Plan.

Michele White, Regulatory Officer at the Commission, said the project is before the Commission because it qualifies as a Development of Regional Impact (DRI) where any proposed development under which an Environmental Impact Report (EIR) is required by the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA). She said pursuant to the Commission's Enabling Regulations Governing Review of Developments of Regional Impact the proponent may apply to the Commission to limit the scope of DRI review and an application to limit the scope of DRI review was submitted by the applicant on October 12, 2017. She said under the Massachusetts Environmental Policy Act (MEPA) review the applicant continues to have ongoing coordination with other state and federal agencies. She said the purpose of the proposed project is to maintain beach protection while maintaining tidal flow. Ms. White explained Regional Policy Plan (RPP) issue areas of review for land use, economic development, coastal resources, plant habitat and conditions in the draft written DRI Scoping Decision.

Charles McCaffrey asked what is the effect on structures with sea-level rise. Mark White said the structures have an elevation above mean high water level, but he can't say for sure. Michele White noted that there is a sea wall there. Mr. McCaffrey questioned whether the structure inhibits sand to move back.

Michael Skelley inquired about the cost to the applicant and asked how much time and effort it takes to go through all the processes. Mark White said the applicant has engaged three parties to work on this so it's hard to put a dollar amount on it. He said his work with Environmental Partners is about \$40,000 to \$50,000. He said this is a fairly unique project with the Department of Environmental Protection. He said projects have been done elsewhere in the country, but it is a new approach. Mr. Skelley inquired about the total cost of the project. Mr. White said with the EIR roughly \$100,000 to \$300,000.

Chair Harold Mitchell called for public comment from federal, state, municipal officials and the public.

Barbara Stone, sister to Greg Stone/Lighthouse Inn owner, said regarding the cost to the applicant it has cost him about \$150,000 so far. She said he feels it's a very important process to him and it will cost about \$500,000 when it's done. She said seaweed and algae have been a problem and they have managed to keep water out of the first floor during hurricanes. She said they want to continue with their business for the next generation.

John McIntosh, an abutter to the Lighthouse Inn, said the Lighthouse Inn has been a good neighbor, the odor from the seaweed is bad and the owners have tried to do the best they can. He said he is concerned about the abutters and the jetties. He said he is worried that the abutters will be getting seaweed from the Inn. Mark White said the groin system is being reconfigured for seaweed to head out to sea, part of the monitoring program is to monitor conditions in the abutting area and the program does have triggers to do additional beach nourishment. He said in other projects that have been done there have been no effects.

Joy Brookshire inquired about the requirements for sand used for beach nourishment. Mark White said samples are taken and replaced with what is there presently.

Richard Roy said this is an important project for the Lighthouse Inn and the Town of Dennis and he would ask for approval of the project.

Len Short said examples were given of successful projects and asked if there have been any failures. Mark White said he is not aware of any failures.

Len Short moved to close the public hearing, Jack McCormack seconded the motion and a vote called on the motion passed with a unanimous vote.

Len Short moved to adopt the draft written DRI Scoping Decision and approve the project, as recommended by the Commission's Committee on Planning and Regulation and the Executive Director, allowing the applicant to proceed with local permitting for the project without further DRI review subject to the findings and conditions in the Scoping Decision. Roger Putnam seconded the motion and a vote called on the motion passed with a unanimous vote.

■ **DOLLAR GENERAL EASTHAM #DR17013**

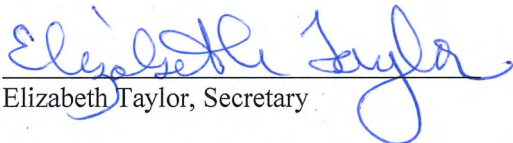
Jon Idman, Chief Regulatory Officer at the Commission, said at the December 14, 2017 Commission meeting staff reported that the applicant for the Dollar General Eastham project requested that all town permit applications for the project be withdrawn. He said at that meeting the Commission voted unanimously to continue the December 14, 2017 public hearing to today's Commission meeting to allow time for the Commission to receive confirmation from the Town of Eastham that all permits have been withdrawn from the town. He said since the December 14 Commission meeting the Eastham Town Planner has confirmed that all town permit applications for the project have now been withdrawn, and accordingly, the project has been withdrawn from Development of Regional Impact review.

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

Paul Niedzwiecki referred to questions raised regarding sea-level rise and said the NOAA Regional Coastal Resiliency Grant will help and it is his hope that the GIS-based support tool will be able to anticipate sea-level rise. He said the expertise of Commission staff can provide forward looking planning.

A motion was made to adjourn at 3:50 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,



Elizabeth Taylor, Secretary

List of Documents Used/Presented at the January 11, 2018 Commission Meeting

- Handout material: January 11, 2018 Commission Meeting Agenda.
- Handout material: November 9, 2017 Draft Commission Meeting Minutes.
- Handout material: Lighthouse Inn Groin Improvements Draft DRI Scoping Decision.
- Material Presented: PowerPoint presentation on the Lighthouse Inn Groin Reconfiguration Project by Environmental Partners.