

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 Innovation Room • Open Cape Building 3195 Main Street, Barnstable, MA 02630

November 1, 2018

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

Town	Member	Present
Barnstable	Fred Chirigotis	√ (arrived at 3:07 p.m.)
Bourne	Richard Conron	√
Brewster	Elizabeth Taylor	√
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	√
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	Absent
Harwich	Jacqueline Etsten	√
Mashpee	Ernest Virgilio	√
Orleans	Len Short	√ (arrived at 3:07 p.m.)
Provincetown	Cheryl Andrews	√
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, November 1, 2018 at 3:00 p.m. in the Innovation Room, Open Cape Building, 3195 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

SUMMARY OF ACTIONS TAKEN/VOTES:

• **Public Hearing: Long Pond Woodlands Conservation Area:** Following presentations, public testimony and discussion, the Commission deliberated on the Development of Regional Impact (DRI) Exemption request by the Town of Brewster, including adoption of a draft written decision, for the proposed Long Pond Woodlands Conservation Area located at W.H. Besse Cartway and Long Pond Road in Brewster, MA. The DRI Exemption request concerns the proposed division of 47 acres for the purpose of conveying 42 acres to the Town of Brewster for conservation, passive recreation and wellfield protection. Following deliberation, the Commission voted unanimously in favor of closing the public hearing. Following the close of the public hearing, the Commission voted unanimously in favor of adopting the draft written DRI Exemption decision and grant the DRI Exemption as requested by the Town of Brewster.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Kristy Senatori provided the following report:

- Madden Bremer has recently joined Commission staff as a GIS Analyst.
- Regional Policy Plan (RPP) public hearings were held on October 11 in Sandwich, October 17 in Truro and October 24 in Yarmouth; the RPP subcommittee met on October 25 to review Technical Bulletins and Commission staff presented the draft RPP to the Provincetown Board of Selectmen meeting on October 9, at the Town Manager's meeting on October 11, at the Cape Cod Councilor's and Selectmen meeting on October 12, the Falmouth Board of Selectmen and Dennis Planning Board on October 29, and the Yarmouth Board of Selectmen on October 30.
- The Commission continues to work closely with the Environmental Protection Agency (EPA) participating in a meeting of the Southeast New England Program Monitoring Subcommittee on October 22 and in a Three Bays problem formulation workshop hosted by the EPA on October 30; Commission staff attended the Dennis-Harwich-Yarmouth Community Partnership Meeting on October 25.
- The next Community Resiliency by Design meeting is scheduled for Thursday, November 8 at 6:30 p.m. at the Orleans Council on Aging.
- Ms. Senatori spoke to the Hyannis Rotary Club; the Southern New England Planning Association (SNEPA) held its annual planning conference the week of October 8 and the first meeting of the newly formed Barnstable County Coastal Management Committee was held last week.

■ LONG POND WOODLANDS CONSERVATION AREA

Chair Harold Mitchell opened the public hearing at 3:05 p.m. He said today's public hearing is a Development of Regional Impact (DRI) Exemption request by the Town of Brewster for the Long Pond Woodlands Conservation Area located at W.H. Besse Cartway and Long Pond Road in Brewster, MA. He said at this hearing the Commission will consider granting the DRI Exemption and adopting a draft written DRI Exemption decision.

Mark Robinson, of the Compact of Cape Cod Conservation Trusts, said the property has been on the priority list for the Brewster Open Space Committee for many years. He said it's a large 47-acre compound consisting of three different lots. He said 42 acres will be purchased by the Town of Brewster for conservation. Mr. Robinson said he is here today asking for an exemption from Development of Regional Impact (DRI) review for the purpose of conveying the 42 acres to the Town of Brewster.

Jon Idman, Chief Regulatory Officer at the Commission, said the project qualifies as a DRI because it's a development that proposes to divide parcel(s) of land for a contiguous 30 acres or more. He said the proposed conveyance of 42 acres has been a priority for the Town of Brewster for many years. He said the applicant has requested an exemption from DRI review and the draft decision is Commission staff's recommendation to adopt the DRI Exemption decision and grant the exemption request by the Town of Brewster. He said the project is the division of land and does not propose any physical building or structural development work and there are no impacts with the project or other communities on the Cape. Mr. Idman said the only unique condition is that the Town shall provide the Commission with copies of the division plan for the property creating the conservation area, the deed for the conservation area from the owner to the Town of Brewster and the conservation restriction for the conservation area when they are filed with Land Court.

Elizabeth Taylor said as Chair of the Open Space Committee this is a wonderful accomplishment and the town has been looking at getting this for 30 years.

John Harris referred to the division of land and asked if there was a time period for this to be done. Jon Idman said an exemption is good for three years and the applicant will provide the Commission with a document from Land Court. Mark Robinson said the closing will take place in January 2019.

Cheryl Andrews asked what happens with the subdivision if something were to happen; does it go away. Jon Idman said that's why they are putting in 42 acres for a conservation restriction.

Fred Chirigotis questioned whether it conflicts with removing 42 acres from development since there is a need to acquire land for affordable housing and he asked if this would be taking 42 acres away from that. Elizabeth Taylor said the town did consider that. She said originally when it come to the town they thought that the end toward Route 137 could be used but it just didn't work out.

Ernest Virgilio inquired about restrictions on public access. John Idman said it will be owned by the town and access will be defined by the town and the conservation commission. Mr. Virgilio said he has concerns about public access and would like a better definition regarding hunting. Elizabeth Taylor said the conservation commission determines what is open for hunting. She said she believes this area would not be open for hunting.

Noelle Aguiar, Conservation Administrator for the Town of Brewster, said this area represents a natural habitat area and open space for conservation purposes is the number one priority for the Town of Brewster's vision. She said the town and conservation commission support this project.

Karen Friar, abutter on Crow Boggs Road, said the map does not reflect that it comes out to Crow Boggs Road and said there is already too much traffic there. Mark Robinson said it's a dead-end cul-de-sac and the only development would be to use the existing access way.

Michael Friar asked where the parking lot would be. Mark Robinson explained where the parking will be and said it's 250 feet from Crow Boggs Road.

Jack McCormack said some of these decisions need to be left with the town. He said conditions in a DRI decision determine what can be done with a DRI project.

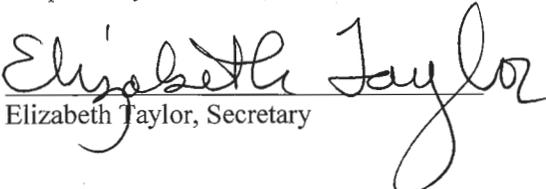
Jack McCormack moved to close the public hearing on the project. Elizabeth Taylor seconded the motion and a vote called on the motion passed with a unanimous vote in favor.

Elizabeth Taylor moved to adopt the draft written DRI Exemption decision and grant the DRI Exemption as requested by the Town of Brewster, Jack McCormack seconded the motion and a vote called on the motion passed with a unanimous vote in favor.

■ **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 3:25 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

List of Documents Used/Presented at the November 1, 2018 Commission Meeting

- November 1, 2018 Cape Cod Commission Meeting Agenda.
- Long Pond Woodlands Conservation Area Draft DRI Exemption Decision.