



Minutes
Cape Cod Commission (CCC)
Barnstable County Complex- East Wing Conference Room
3195 Main Street, Barnstable, MA 02630
October 3, 2019

ROLL CALL

The Chair Harold Mitchell called the Cape Cod Commission meeting to order on Thursday, October 3, 2019, 2019 at 3:00 p.m., in the East Wing Conference Room, 3195 Main Street, Barnstable, MA 02630. Roll Call was called, and a quorum of members was established:

Town Member		Attendance
Barnstable	Fred Chirigotis	Present
Bourne	Stephen Mealy	Present
Brewster	Elizabeth Taylor	Present
Chatham	Tom Wilson	Present
Dennis	Richard Roy	Present
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	Present
Harwich	Jacqueline Etsten	Present
Mashpee	Ernest Virgilio	Present
Orleans	Len Short	Present
Provincetown	Cheryl Andrews	Present
Sandwich	Harold Mitchell	Present
Truro	Kevin Grunwald	Present
Wellfleet	Vacant	Vacant
Yarmouth	John McCormack, Jr.	Present
County Commissioner	Ronald Bergstrom	Present
Minority Representative	John Harris	Present
Native American Rep.	David Weeden	Present
Governor's Appointee	Michael Maxim	Present

Summary of Actions Taken/Votes at Meeting:

- **Approval of Minutes:** The minutes of the September 19, 2019 CCC Workshop were approved.
- **West Harwich District of Critical Planning Concern:** The Commission voted to adopt the draft decision accepting for consideration the West Harwich District of Critical Planning Concern nominated by the Town of Harwich Board of Selectmen.



Public Comment:

Barry Margolin from West Yarmouth said he was there on behalf of 350 Cape Cod, Sierra Club of Cape Cod, Citizens Climate Lobby of Cape Cod, the 150 people who had come for a climate strike in front of the Commission offices a couple of weeks ago and on behalf of those who signed a petition last April for amendments to the Regional Policy Plan. He requested that the Commission have a public hearing on those amendments and vote on them this fall. The amendments are to reduce greenhouse gas emissions and increase carbon sequestration to mitigate climate change. He brought copies of the petition and letter from the 350 Cape Cod to the Commission members dated September 13, 2019 previously distributed to the members and asked that they be distributed.

Richard Elkin of Wellfleet stated he had been appointed representative of the Cape Cod Commission. Chairman Mitchell noted that the Commission had not yet received official notification of his appointment.

Approval of minutes:

The minutes of the 10/3/19 Cape Cod Commission meeting were reviewed.

Upon a motion by Ernie Virgilio to approve the 9/19/19 minutes, seconded by John Harris, the motion was passed. David Weeden abstained from the vote.

Executive Directors' Report – *Kristy Senatori*

- Cape Cod and Islands Water Protection Management Board met on September 26th and approved bylaws; committee role has been expanded to include drafting regulations for the full board – they will be scheduling a meeting to begin that work
- Department of Revenue reported that as part of short-term rental taxes generated for the months of July and August were between 2.8 and 2.9 million dollars
- She attended an Environmental Leadership Exchange event on September 25th – was an opportunity to exchange information with southeast New England partners and Chesapeake Bay leaders on water quality issues
- The Commission issued a press release that it has been awarded a grant of \$145,000.00 from the state to develop a model bylaw for climate resiliency to work initially with the towns of Bourne, Sandwich, Brewster and Eastham and eventually have a bylaw that could be used Cape wide
- The Commission will be hosting a series of community meetings at the end of October to discuss climate impacts on Cape Cod. This will be an opportunity for diverse stakeholders to come together to discuss strategies to mitigate and adapt to climate change. They are scheduled for October 21st, 22nd and 29th. She encouraged those interested to reach out to staff.
- The Commission was selected as the MVP provider to Harwich and Dennis this fall for a state-run vulnerability preparedness program for municipalities across the region
- Staff update: Siobhan Cavacco started work as an administrative assistant on September 23rd
- Reminder – Roger Putnam's memorial gathering will be held October 5th from 1-4 at the Local Break in Eastham



WEST HARWICH DISTRICT OF CRITICAL PLANNING CONCERN

The Chair, Harold Mitchell asked the Town of Harwich to make a presentation. Charleen Greenhalgh, Town Planner for the Town of Harwich, thanked the Commission and noted that she had Duncan Berry and Dave Harris from the Planning Board with her as well as Don Howell from the Board of Selectmen.

She noted that at the August 12, 2019 Harwich Board of Selectmen meeting, the Board voted to refer the nomination to the Planning Board for its recommendation. At its meeting on August 27, 2019, the Planning Board heard from Sarah Korjeff, planner and Historic Preservation Specialist with the Cape Cod Commission, who provided the Planning Board with an overview of what a District of Critical Planning Concern (“DCPC”) is, how it can work, and the process. At its September 10th Planning Board meeting, the Board reviewed a draft nomination application and received input from several residents in attendance who were in favor of it. A majority of the Planning Board present voted to recommend the nomination and forwarded it to the Board of Selectmen for review.

On September 16th, the Board of Selectmen voted unanimously to approve and forward the DCPC nomination for West Harwich to the Cape Cod Commission for its consideration. She said that the Board of Selectmen, the Planning Board, the Harwich Historic District and Historical Commission and many neighbors and residents all support this nomination. She also noted that Cindy Williams from the Chamber of Commerce is also in favor but could not attend today.

She said the proposed district is the entrance to the Town of Harwich along the southerly route 28 corridor. This area is known as “Captain’s Row” due to the number of old captain’s homes located within it. She said there are four distinct criteria that this area meets for a DCPC: Community Design, Cultural Heritage, Transportation, and Economy. There are 51 homes and structures from that appear on the Massachusetts Cultural Resource inventory system (MACRIS). On March 24, 2016, the Massachusetts Historical Commission (MHC) issued a letter to the Harwich Historical Commission that “based on the reviewed materials that have been submitted pertaining to the potential eligibility of the West Harwich area for the National Register of Historic Places” and a site visit that it was “MHC’s opinion that the section of the Route 28 from the Herring River west to the Chase Library meets the criteria for listing in the National Register, fulfilling Criteria A and C for its historic and architectural significance”.

She said that recent development proposals have brought to light the fragile nature of this corridor to the demolition of historic homes for the construction of retail that may not be in keeping with the community character of the area and the needs of residents and visitors to Harwich as whole. The Captain Baker house went before the Harwich Historic district and historical Commission in September 2018 for demolition and had a one-year demolition delay placed upon it.

The DCPC process will provide the opportunity to look comprehensively at the development potential of the proposed district under existing zoning and to provide more effective regulations and guidance to property owners and developers. She asked on behalf of the Board of Selectmen and the Town of Harwich that the Commission vote favorably on their request.

Don Howell of the Harwich Board of Selectmen said we have a rare opportunity to protect something that could go away forever. This is essential for the Town. One by one these buildings could be destroyed.



Duncan Berry from the Harwich Planning Board said he is fifth generation in town. The district is important because of the architecture in the area dated back to the 1700's and is of museum quality.

David Harris of the Harwich Planning Board thanked the Commission for the DCPC program and said we need the opportunity to preserve the heritage of West Harwich.

The Chair thanked the Town of Harwich for their comments and requested comments from Staff.

Using a PowerPoint presentation, Sarah Korjeff, Historic Preservation Specialist, Cape Cod Commission cited the Cape Cod Commission Act and stated that the purpose of the District of Planning Concern ("DCPC") is to allow the town to propose an area where resources are present that need to be protected. Designating a DCPC allows a town to take a "time out" or moratorium to plan comprehensively in the district. A town can adopt implementing regulations to protect the resources in the district.

She reviewed the DCPC process and told the Commission they are at the beginning, in which the Harwich Board of Selectmen had made a nomination; the Commission today had to decide whether they would vote to approve the DCPC for consideration. Doing so would begin a public hearing process with the Commission; it would then need to go before the Assembly of Delegates for passage as an ordinance. Once the District was created, the Town would have a year to create implementing regulations.

She stated that the types of districts sought were a cultural, historic, architectural, archaeological district, an Economic District and a Transportation Management District. She then reviewed a map which outlined the boundary of the proposed district as containing the parcels in the Commercial Highway district from the Dennis/Harwich line to just west of the Herring River. She reviewed the zoning in the district; she highlighted that 24 structures dating from circa 1750-1914 are located within the proposed district.

Ms. Korjeff reviewed the basis for a cultural and historic district: those historic properties are eligible for listing as a National Historic District; it serves as a Gateway area to Harwich, and redevelopment could impact the character of the district. She reviewed how the area qualifies as an Economic District, noting that its character contributes to the economy, that it is on a regional commercial corridor and is partially within a Community Activity Center. She noted it is also suggested as a transportation management district because of safety concerns along the corridor, and because the area lacks sufficient pedestrian and bicyclist accommodations.

Ms. Korjeff concluded that the staff recommends that the Cape Cod Commission vote to accept the West Harwich District of Critical Planning Concern for consideration.

The Chair asked for questions or comments from the Commission.

Elizabeth Taylor said she was happy to see the use of the DCPC tool, the best tool in the Commission toolbox.

Cheryl Andrews asked when this would go to Town Meeting.

Sarah Korjeff said it would go to town meeting after implementing regulations are drafted.

Ronald Bergstrom asked when does this district limit development.



Sarah Korjeff explained that once the nomination was noticed in the paper a full moratorium on development went into place. She noted that if they voted to accept the nomination, a limited moratorium began as outlined in the draft decision.

Mr. Bergstrom asked when that was noticed. Staff responded September 19, 2019.

He then asked why not rezone the area? Sarah Korjeff noted that people have ideas about possible zoning changes but have not yet come to conclusions.

Stephen Mealy stated his support for the DCPC. He referenced the success of the DCPC in Bourne adopted in 1999. He said this tool would allow Harwich to also preserve their cultural, architectural, archaeological, historic, economic and transportation resources, to allow the town to plan and adopt zoning and other strategies to guide future development and redevelopment in a way that contributes to and respects the character and historic development patterns of the area and provides appropriate tools to support and foster the local economy. He said the DCPC process will allow the town to create more effective regulations that support the community's vision for the District.

Fred Chirigotis asked if there has been any action to create a historic district in the area and what protections that would provide?

Charleen Greenhalgh said if a National Historic District were created, no protections would be in place other than the triggering of Development of Impact review. She noted there are historic districts in town but they still have concerns about uses as well. She said it is also important to look at the underlying zoning.

Ernie Virgilio asked about the boundary description in the draft decision and whether it could be modified.

Sarah Korjeff noted that the Town chose the boundaries of the town line and the Herring river as clear, as it encompasses the commercial zoning district. It had been evaluated to be a historic district. She said the DCPC boundary would not change if the district is established.

Tom Wilson asked if designated, does that mean the development within it comes back as a DRI?

Sarah Korjeff said no, it does not, but development within the DCPC would need to comply with the town's implementing regulations in that district. The types of DRI reviewed would remain the same.

Ronald Bergstrom moved that the Commission adopt the draft written decision accepting for consideration the West Harwich District of Critical Planning Concern. The motion was seconded by Fred Chirigotis and passed unanimously.

The Cape Cod Coastal Planner

Erin Perry, Deputy Director for the Cape Cod Commission, used a Powerpoint presentation to provide the members with a demonstration of the tool used to educate users on climate change hazards impacting Cape Cod's coastline and the implications for local infrastructure and ecosystems. She said this was developed using a National Oceanic and Atmospheric Administration regional coastal resiliency grant. She also highlighted the tool's adaptation strategies matrix which allows the user to understand what strategies are available. There were three areas that were focused upon; erosion, storm surge and flooding, and sea level rise. The project identified potential strategies for Cape Cod. They ranged from no action, to non-structural solutions, such as beach



nourishment, to solutions that were a mix of structural and non-structural, to those that are structural such as coastal armoring, sea walls and revetments. The matrix had 45 strategies included in it.

The matrix organizes strategies by scale, hazard it might address, and more broadly, what it is intending to do. Those intending to protect resources from these hazards, those looking to accommodate, and those that retreat from the hazard. Each area also has a fact sheet created for it to make the information more accessible to those who may not want to dig in to the full database.

The strategies matrix feeds the tool and lets people consider choices they can make as they identify appropriate strategies for Cape Cod. The tool will highlight where it is effective by scale and what hazard it would address.

As one logs onto the tool, at capecodcoast.org, an initial screen provides a tutorial with the opportunity to select a segment of the shoreline. Through a drop down menu on the right, or select a segment on the map. Shoreline segments are based on littoral cells. For this demo, we selected Barnstable Harbor as the littoral cell; one thing to note is that cell where sediment is moving in the Barnstable Harbor areas extends beyond Barnstable to Yarmouth and Dennis.

Another layer created is the vulnerability ribbon in pink, which was modeled after the South Carolina beach vulnerability index. This allows users to understand relative vulnerability. Information used to develop the ribbon includes distance of structures from the shoreline, ecosystems present, the presence of engineered structures, and other factors. She said on the left side are the planning layers including information on the three hazards as well as the sea level rise viewer; here you can see sea level from 1-6 feet. Also available is the infrastructure information available here. The erosion rates come from Coastal Zone Management agency.

She showed a slide that has inundation; the mapping of flood zone and information on storm surge from the SLOSH models (Sea, Lake, Overland, Surge from Hurricanes). From a planning aspect, she said you can select segments anywhere from 500-4000 feet and see what strategies apply to that area. After applying the strategy, you will see the strategy outputs such as critical facilities and this output are relative to no action taken. The scenarios are comparative, and the tool is meant to allow the user to compare the scenarios to one another to inform decision making.

The tool is available at capecodcoast.org; we have piloted the tool in the Town of Barnstable. She said they look forward to using it elsewhere.

Chair asked if there were questions.

Ron Bergstrom asked who is the end user of this?

Ms. Perry said they have conducted workshops with town staff to use with a community. She said it is intended for someone with training to use in a community decision making process.

Charles McCafferty asked if strategies could be examined inland.

Ms. Perry said strategies are placed along the vulnerability ribbon; a modified mean high water mark.

Mr. McCafferty asked if the detailed state model could be used in conjunction with this?



Ms. Perry said staff has developed internal capacity to update and amend the tool and this could be considered in the future.

David Weeden asked how the cells were named.

Ms. Perry said that sediment transport models did not have names; they used areas that were recognizable. She said the map does allow you to zoom in and out.

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

Adjourn

Upon motion to adjourn by Jack McCormack, second by Richard Roy, the meeting adjourned at 4:00pm.

List of Documents Used/Presented at the September 19, 2019 Cape Cod Commission Workshop

- October 3, 2019 Cape Cod Commission Agenda.
- Draft Minutes of the September 19, 2019 Cape Cod Commission Meeting
- PowerPoint presentation on the West Harwich District of Critical Planning Concern by Commission staff
 - Power point presentation by Erin Perry on the Cape Cod Coastal planner
 - October 3, 2019 public meeting sign in sheet
 - Letter from 350 Cape Cod to Cape Cod Commission members dated September 13, 2019

Respectfully submitted,

Elizabeth Taylor, Clerk, Cape Cod Commission

Date