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## MINUTES

**Cape Cod Commission**  
**Regional Policy Plan Subcommittee Meeting**  
Cape Cod Commission Large Conference Room  
3225 Main Street, Barnstable, MA 02630  
**October 4, 2018**

The meeting of the Commission's Regional Policy Plan (RPP) Subcommittee convened on October 4, 2018 at 1:30 p.m. in the Cape Cod Commission Large Conference Room, 3225 Main Street, Barnstable, MA with a quorum of Subcommittee members present.

### **RPP Subcommittee Members**

Present: Chair Elizabeth Taylor, Vice-chair Jack McCormack, Jacqueline Etsten, Charles McCaffrey, David Weeden.  
Commission members present: Harold Mitchell, Commission Chair

### ■ **Technical Bulletin Review**

The meeting was opened at 1:30 by Ms. Taylor; she read the meeting notice as printed.

Commission Technical Services Director Steven Tupper presented a general overview of Technical Bulletins (TBs).

- He reviewed the general purpose of the TBs relative to the draft 2018 RPP update. He said that there would be a TB for every one of the goals appearing in the draft RPP update.
- He reviewed how the regulatory review process for projects would operate under the proposed RPP update and companion TBs.
- He discussed the role the new RPP concept of 'Placetypes' would play in regulatory review, primarily in setting a context for project review and establishing how certain RPP objectives might apply differently to projects based on the Placetype in which they are located.
- He reviewed the proposed structure and organization of the TBs, including a discussion of the concept of representative 'methods' appearing in the TBs by which applicants could meet the objectives laid out in the RPP.
- He reviewed the schedule for subcommittee meetings on the draft TBs. He said that as the draft RPP was arranged by natural, built and community systems, the draft TBs when prepared would be presented to the subcommittee in rounds grouped by corresponding system. He discussed the purpose of the subcommittee meetings on the TBs as information sessions where staff could receive some feedback on the drafts. He said that ultimately the TBs would be submitted to the full Commission board for review and approval, though the TBs would not require approval by the Assembly of Delegates.

Mr. Tupper then provided an overview of the draft Transportation Technical Bulletin. He discussed that the Transportation goals in the draft RPP remain largely the same as they have been in prior RPPs. He said that the draft RPP contains three objectives (re: safety, multi-modal transportation, and transportation network efficiency and reliability) corresponding to the Transportation goal. He stated that per the Placetypes concept, the application of objectives are location-based. He discussed how the Commission could determine that certain objectives are not applicable during project review, based on project location.

- He reviewed the first objective regarding transportation safety and associated methods. He noted that, though the methods appearing in the TBs are generally intended to be representative and not prescriptive means that



may be viewed to meet corresponding objectives, there are instances in the Transportation and other TBs where methods are presumed required to meeting particular objectives. He noted that transportation safety has been and will continue to be an area where certain actions and practices are required. These methods in the TBs use 'mandatory' language i.e. "must" rather than "may."

- He also cited access management and access management best practices on regional roadways as critical focuses of regulatory review.
- He discussed the second objective emphasizing needs for alternative modes of transportation, and anticipated future demands of the regional transportation network (e.g. preserving public rights of way in and along transportation corridors where plans for future non-motorist transportation improvements are known). He discussed travel demand management principles and approaches in meeting the objective, and explained that these approaches work best with single purpose businesses or uses that have 25 or more employees. He discussed methods where an applicant could meet the objective by adding to or building new non-motorist transportation infrastructure, depending on the location of the project.
- He stated that the third and final objective deals with minimizing congestion impacts, including reducing vehicle trips in the regional transportation network. He discussed congestion mitigation as a method to meeting the objective, in terms of constructing physical improvements or by providing financial mitigation to fund congestion mitigation actions in the road network by municipalities or others. He added that the TB contains specific criteria to assist the Commission in determining mitigation appropriate to the project. He said that generally, the scale and nature of a project determines whether physical mitigation or a payment is more appropriate as mitigation.

Mr. Tupper concluded by outlining the types of application material that might be required for transportation review of a project. This outline appears in the Transportation TB; these materials are also likely to be helpful in the town's eventual review of a project that also required Commission review.

Mr. McCormack asked about the format of the Transportation TB, and the applicability of its application materials section to projects. Mr. Tupper explained the format to Mr. McCormack, and stated that the version handed-out for the subcommittee meeting is the same as currently uploaded to the Commission's website, and offered that application materials would be specific to a project, but that the list outlined in the Transportation TB gives a general idea of the types of studies or materials that could be required in transportation review.

Ms. Etsten would like to see specific reference in the Transportation TB to protected walkways in parking lots. She also discussed the importance of landscaping in parking lots. Mr. Tupper agreed, and offered that those types of design issues will be handled in other TBs that focus on site design. She said that she would like the Commission to do additional planning and develop another written plan that deals with funding for regional transportation infrastructure. She also thinks it is important that more roads, warranting such designation, be designated as scenic roadways on Cape Cod. Mr. Tupper said that the regional roadway funding issues are exactly the types of issues that the Metropolitan Planning Organization (MPO) deals with, and that the Commission is directly involved with the MPO. He also said that the Commission is working on an updated Regional Transportation Plan in parallel with the RPP update, which also deals with regional transportation funding. Ms. Etsten added that better emergency responder access is needed on some regional road corridors, such as on Route 6 on the Outer Cape, and on Willow Street continuing to Cape Cod Hospital. She concluded that more work should be done to underground existing above-ground utilities.

Mr. Weeden discussed that he would like policies in the RPP and TB that encourage greater connectivity from existing trail networks to open spaces. Mr. Tupper agreed on the importance of such connectivity, and offered that the issue would be addressed in the Open Space TB.

Ms. Taylor discussed the importance of indexing mitigation funding to inflation. Mr. Tupper said that oil/commodities prices play a bigger role in the cost of road work than inflation generally. He also said that there is the ability under the Transportation TB, as there is under the current RPP, to index mitigation payments for inflation.

Commission staff Michele White then presented the Energy TB. She said that historically, the Commission has been interested in energy supply and cost in its regulatory reviews. The updated approach to Energy in the TB focuses more greatly on alternative energy sources to increase supply. The Energy TB specifically aligns with State energy goals, but with specific emphasis on the interests of the region.

Ms. White reviewed the Energy goal and its three corresponding objectives which, respectively: support diversity in energy generation and supply; support energy network reliability; and support energy efficiency and conservation. She said that there are no specific Placetypes associated with the Energy TB. She added that the identified methods are intended to be a menu of different ways an applicant might meet a respective objective (though there might be other ways that haven't been captured in the list of methods appearing in the TB). Having a non-exclusive approach to



methods recognizes and accommodates technological advances or other unforeseen changes in circumstance that may be relevant to energy issues over time.

She said that the identified methods under the first Energy objective allow an applicant to generate renewable energy on-site, or to enter into a power purchase agreement for off-site renewable energy. She noted that Energy is cross-referenced with other goals and objectives in the draft RPP, and that for design reasons it may not be desirable to have energy generating facilities on-site, such as in historic districts. Mr. McCaffrey wants to make sure that the language in this methods section of the Energy TB doesn't prevent the Commission from determining energy generation facilities may not be appropriate to site in all areas, given historic character, etc. Ms. Etsten expressed agreement with Mr. McCaffrey's position.

Ms. White then reviewed the methods associated with Energy objectives 2 & 3. She clarified that the objectives and methods might apply both to principal energy infrastructure projects as well as to building and other projects where energy is not the primary purpose of the project. She also added that methods for Energy Objective 3 include operational practices to increase energy efficiency.

Ms. White then discussed the application materials section of the Energy TB, including the provision that an applicant provide a narrative about anticipated energy use, etc. that would assist the Commission in determining whether the Energy goal and objectives apply to a given project.

Ms. Taylor asked whether the Commission could require that an applicant meet all the Energy methods discussed. Commission Counsel Jessica Wielgus explained the process for how regulatory review is intended to work under the 2018 RPP's goals and objectives and under the TBs' methods. She emphasized that the Commission's determination about consistency with the RPP will be based on how a project meets RPP goals and objectives. Consistency with the methods stated in the TB (unless specifically provided as required) can evidence consistency with related objectives, though the methods are not intended to be exhaustive, and there could be methods other than those specifically enumerated in the TB that are consistent with objectives.

Mr. McCaffrey asked whether the renewable energy types enumerated in the Energy TB are intended to be the exclusive types of renewable or alternative energy methods by which an applicant might pursue to meet objectives. Ms. White responded that they are examples and not intended to be exclusive.

Ms. Etsten asked about where wireless communication projects will be specifically discussed in the RPP. Ms. White responded that there will continue to be a dedicated technical bulletin for wireless projects.

Mr. Weeden mentioned that utility scale photovoltaic (PV) arrays should be directed towards previously disturbed sites. Ms. White responded that included as a recommended action of the 2018 RPP, the Commission proposes to establish siting guidelines for utility scale PV projects, which will encourage and direct such development to re-use previously disturbed sites.

Sarah Korjeff, the Commission's historic preservation planner, then presented the Cultural Resources TB. She said that the definition of cultural resources is more broadly defined than in previous RPPs and includes shoreline access and traditional industries in addition to historic and archaeological resources.

She discussed objective 1 of the Cultural Resources TB, which deals with preservation of character defining features of historic resources. She said that the term "historic resources" is a broad term and includes historic buildings, structures and sites beyond those listed on the National Register of Historic Places. She said that the corresponding methods are tied closely to Dept. of Interior standards for National Register properties, such as the 'reversibility' of alterations to historic buildings and structures.

Mr. McCaffrey asked whether it is practical to apply Department of Interior standards to resources that might be in areas of historic character, but which are not listed on the National Register. Ms. Korjeff responded that the standards are more like guidelines and are subject to interpretation that can be tailored appropriate to the given circumstances.

Mr. McCaffrey noted the broad applicability of the definition of historic resources, as it is defined in the 2018 RPP draft. Ms. Korjeff noted that it is intentionally broad, broader than the current RPP definition, and is intended to capture historic assets that are not yet inventoried or formally recognized. She also said that as part of a project application, an applicant (according to guidance in the TB) would identify potential historic assets on or within proximity to a project site.

In addition to preservation, Mr. McCaffrey discussed the importance of restoring historic character to places or areas that have been altered. Ms. Korjeff discussed that general character issues would be addressed in the Community Design TB. She also discussed the Historic Placetype.

Ms. Etsten stressed the importance of ensuring that additions to historic buildings or structures are compatible with such buildings or structures.

Mr. Weeden asked whether the RPP encourages National Register nominations; he would like to see more trail networks and industry listings in the Register from Cape Cod.

Ms. Korjeff discussed methods under objective 2, with a particular emphasis on statutory Preservation Restrictions.

Ms. Korjeff discussed the methods under Objective 3 which deal with preserving or increasing access to the shoreline, and then the methods under Objective 4 dealing with preserving traditional industries such as fishing and farming.

Ms Etsten would like the methods for the Cultural Resources TB to discourage residential uses in maritime areas.

Mr. McCaffrey wondered how non water-dependent but water-front related uses like a restaurant would be viewed in a maritime Placetype area. Ms. Korjeff stated there is no specific reference to such 'water enhanced' uses in the RPP or TB.

Ms. Taylor asked whether the Commission has jurisdiction over underwater/ in-ocean archaeological resources. Ms. Korjeff responded that there is a specific Massachusetts department that deals with such resources, but that the Commission has jurisdiction and deals with the matter under the Ocean Resources goal and objectives.

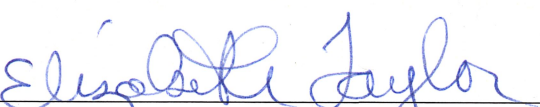
Mr. Weeden asked whether Section 106 and the National Environmental Policy Act (NEPA) is referenced in the TB. Ms. Korjeff said that it isn't because the Commission has independent jurisdiction over the resources dealt with under NEPA.

Mr. Mitchell offered that the Martha's Vineyard Commission has redefined historic structures based on age. He then noted that subregional hearings on the draft RPP were approaching.

■ **New Business:** Topics not reasonably anticipated by the Chair more than 48 hours before the meeting. No new business was discussed.

The meeting of the RPP subcommittee adjourned at 2:47 p.m.

Respectfully submitted,

  
Elizabeth Taylor, Subcommittee Chair

#### **List of Documents Used/Presented at the October 4, 2018 RPP Subcommittee Meeting**

- October 4, 2018 Regional Policy Plan (RPP) subcommittee meeting agenda.
- Draft Transportation Technical Bulletin, Draft Cultural Heritage Technical Bulletin and Draft Energy Technical Bulletin.
- Power Point from Commission staff, dated October 4, 2018, consisting of 31 slides, re: draft Transportation, Cultural Heritage and Energy Technical Bulletins (copy attached).