

Executive Committee Draft Meeting Minutes
Virtual meeting by remote participation
September 3, 2020

Chairman Harold Mitchell called the meeting to order at 2:00 pm.

The Chair announced that the meeting was being held virtually as allowed by Governor Baker's Executive Order suspending certain provisions of the Open Meeting law dated March 12, 2020, with all members participating remotely. He reviewed instructions about how the public could participate remotely. The Chair further announced that all votes and other actions would be taken by roll call and that the names of the remote participants would be announced as roll call was taken. He announced that at the outset of the meeting, Harold Mitchell, Kevin Grunwald and Richard Roy were participating remotely, and further announced Jack McCormack and Elizabeth Taylor's arrival as they joined.

Roll was called as follows:

Harold Mitchell	Present
Jack McCormack	Joined at 2:03pm
Elizabeth Taylor	Joined at 2:05pm
Richard Roy	Present
Kevin Grunwald	Present

Review and approval of prior meeting minutes: Upon a motion by Kevin Grunwald, seconded by Richard Roy, roll was called, and the members voted to approve their meeting minutes of 6/11/20 as follows:

Harold Mitchell	yes
Jack McCormack	(not yet present)
Elizabeth Taylor	(not yet present)
Kevin Grunwald	yes
Richard Roy	yes

Executive Director's Report: Executive Director Kristy Senatori updated members on recent Commission activities:

- Continuing to participate on the Cape Cod Reopening Task Force, press calls and in twice weekly County COVID Department Managers meetings
- Received 370 responses to date from the Business Impact Survey; will keep it open for another week.
- Held the first meeting of the Climate Action Subcommittee on Monday
 - Preparing a broader communication and outreach strategy for this process
 - Issued a Call for Stakeholders and for Participating Organizations
 - Awaiting responses on the RFP for facilitation for the climate action planning process
 - Developing visualizations for the greenhouse gas emissions inventory, which is in final draft form
 - Greenhouse gas emissions review committee met on 8/19
 - Solar siting review committee met on 8/18

- Attended and presented at the Cape Cod Selectmen and Councilors' Association meeting on 8/14 - staff provided an update on the Census efforts. Response rate is now, 48%, better than ten years ago but would still like to do better
- Attended the State of the Cape session hosted by the Housing Assistance Corporation (HAC) on 8/18
- Preparing content for the virtual Restore America's Estuaries Summit – staff are presenting on climate resilience and water quality efforts on Cape Cod
- Staff supported Eastham in developing their hazard mitigation plan, which was approved last week by the Federal Emergency Management Association
- Planning staff working on the attended the West Chatham zoning project attended the Chatham Planning Board meeting on August 17
- Planning staff attended the Sandwich Local Comprehensive Plan (LCP) committee to discuss Commission LCP requirements meeting on August 26
- The Commission just successfully wrapped up a very unique traffic counting season, where we focused on collecting data to quantify the impacts of pandemic on traffic trends. Will be continuing work through the Labor Day weekend.

In response to a question, Ms. Senatori identified the Climate Action Subcommittee members: Elizabeth Taylor, Richard Elkin, Richard Roy, Jack McCormack, Steven Mealy, alternates Jacque Etsten and Tom Wilson.

CCEPF Update – Gail Coyne, Operations Director updated members on the Fiscal Year 2020 (July 1, 2019- June 30, 2020) Cape Cod Environmental Protection Fund revenue, expenditures and fund balance. Although the county has not yet closed the books, she reviewed draft expenditures by cost center and revenue by source indicating that at fiscal year end an additional \$507k would be added to the fund. She then reported on the reserves needed to accommodate encumbrances and the fiscal year 2021 appropriations as well as staff recommendations on how to allocate the additional funds into building/capital and special projects reserves.

Regulatory Update – Jon Idman, Chief Regulatory Officer updated members on the status of projects, reminding members that timelines on regulatory matters were suspended during the COVID-19 Emergency and for an additional 45 days after the emergency declaration ends based on Chapter 53 of the Acts of 2020. The Commission is able to move forward on regulatory matters, but it doesn't have to solely in order to meet statutory timelines. There are presently two DRIs before the Commission. One is related to substantial alteration to the George Phelps House in Osterville, in a National Register District and referred by the Town. The project is currently on hold due to COVID-19; no application has yet been filed. Also awaiting an application is the second project, referred by the town of Sandwich - Victory Drive Solar, off of Kiah's Way/ Victory Drive on land owned by Housing Assistance Corporation(HAC).

The Committee on Planning and Regulation (CPR) just dealt with a Notice of Intent on modification to the Wilkins Campus Development Agreement in the Independence Park, Barnstable. The CPR recommended to the full Commission that the proposed, amended development is appropriate and eligible as a modification to that Development Agreement. A full Commission hearing will likely be scheduled in late September or early October.

Some anticipated Developments of Regional Impact are a couple of weeks away. A prefiling requirement on wireless towers is to conduct a balloon test. One project is being proposed at a church in West Barnstable and one at church in South Yarmouth where tests have been noticed and conducted. Referrals and applications for those projects are expected soon.

Legal Update on the procedural status in the matter of Natalie Pittenger v Cape Cod Commission, Land Court Misc. Case No. 20 Misc. 000128. Jessica Wielgus, Commission Counsel reminded members that this case is an appeal of the Tractor Supply Development of Regional Impact decision to the Land Court. She gave a procedural update as the committee was meeting in open session. The complaint was filed in March, 2020. In response to the complaint filed, outside counsel had prepared and filed an answer to the complaint and a motion to dismiss based upon the failure to join the Applicant as a necessary party and the dismissal of the declaratory judgment count. Oral arguments for this motion to dismiss are scheduled to be heard by Judge Howard Speicher next Thursday, September 10th. Additional information can be shared in executive session on the Commission's legal strategy once this hearing has taken place.

New Business: None

Adjourn: Upon a motion to adjourn at 2:25 p.m. by Jack McCormack, seconded by Elizabeth Taylor, members voted by roll call as follows

Harold Mitchell	yes
Jack McCormack	yes
Elizabeth Taylor	yes
Kevin Grunwald	yes
Richard Roy	yes

Documents used/received: Draft Executive Committee minutes for June 11, 2020, power point slide of Cape Cod Environmental Protection Fund revenue, expenditures and fund balance.