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**Minutes  
Committee on Planning and Regulation (CPR) Meeting  
January 25, 2024**

The Chair, Tom Wilson called the CPR meeting to order on Thursday, January 25, 2024 at 1:00 p.m. he stated that this meeting is being held virtually as allowed pursuant to Chapter 20 of the Acts of 2021, as extended. If anyone wishes to speak, please raise your hand and wait to be recognized by the chair. For those online, to raise hand click on the "Participants" box on bottom of screen and then click "Raise Hand" in text box. For those who called in by telephone, press \*9. You will be recognized by name when it is your time to speak. If anyone is having a technical issue, use either the chat box on your screen or email [support@capecodcommission.org](mailto:support@capecodcommission.org) and staff will assist you. This meeting is being recorded for purposes of creating minutes. If anyone else is recording this meeting, please raise your hand and identify yourself now.

He stated that because members are remotely participating, we will be taking a roll call vote on each action we take today. The names of members who are remote participating will be announced as attendance roll call is taken.

The Clerk, Lisa Dillon called the roll for attendance and a quorum of members was established as follows:

Tom Wilson (Chair)	Present
Elizabeth Taylor	Present (arrived late at 1:30 p.m.)
Jacqueline Etsten	Present
Harold Mitchell	Present
John Harris	Present
Doug Fromm (Alternate)	Present

**Summary of Actions Taken/Votes**

- The Committee voted to approve the draft minutes of the September 26, 2023 Committee on Planning and Regulations meeting.
- The Committee moved to find that the proposed modification does not result in different or increased impacts to the resources protected by the Cape Cod Commission ACT and the Regional Policy Plan
- The Committee voted to approve the request as presented for a minor modification #2 of the Chatham Revetments project phase 2 decision and direct staff to issue a written decision on behalf of the Committee

**Review and approval of prior meeting minutes:**

Upon a motion to approve the minutes of the 9/26/23 Committee on Planning and Regulations meeting by John Harris seconded by Douglas Fromm, the motion carried. Roll call vote was as follows: Tom Wilson, yes; Elizabeth Taylor, late; Jacqueline Etsten, Abstain; Harold Mitchell, Abstain; John Harris, Yes; Douglas Fromm, Yes

The Chair read the following agenda item:

**Review and Potential Vote on Minor Modification #2 of the Chatham Revetments Project Phase II Decision.**

**Project:** Chatham Revetments Phase II  
(Cape Cod Commission Project File No. TR 93131)  
**Property Address:** 27, 59, 75 & 97 Tilipi Run, Chatham, MA  
**Map/Parcel:** 15A3-2-N136; 15A3-1-N137; 14A3-1-N131; 14A3-2-B  
**Applicants:** New Milford Realty Corp c/o Neal Shalom; 59 Tilipi Run Trust; Chatham Seabreeze LLC; and TR97 Nominee Trust c/o Choate, Hall & Stewart LLP

The above-referenced Applicants seek modification to the Project decision to reconstruct the revetment to provide storm protection and stabilize the Coastal Bank. The Committee on Planning and Regulation will review the proposed modification at this meeting and may vote whether to approve a Minor Modification #2 of the Project Phase II Decision.

The Chair asked for the applicants' presentation.

Catherine Ricks, Tye & Bond stated that she had technical difficulties, therefore did not have a slide presentation and asked for staff assistance with slides showing the plan set to review the different properties and sections of the project. She stated that the project area starts on 27 Tilipi Run and continues through 97 Tilipi Run. They went to the local conservation commission to rebuild the shoreline protection structure. The rock revetment was built in 1998 on all 4 properties (27, 59, 75 & 97 Tilipi Run) and has been over washed with the increase in storms and storm surge. The portion at 27 has a wildlife refuge to the north where the property has no protection. It has eroded and the return is now coming back toward the house. Using the site plans, she reviewed the modifications to each location. She stated that all four projects are being designed by Tye & Bond and they are working toward one continual structure.

The Chair recognized Mike Ford who stated that he represents the owner of 75 Tilipi Run. He said that yesterday this request went before the Town of Chatham Conservation Commission, and they were issued an emergency order to move forward. All four of the properties went through a lengthy NOI process before the Conservation Commission to allow for this work.

The Chair asked for staff's comments:

Using a power point, Jordan Velozo provided context on the review process for the Minor modification Type #2. She provided the history of this project with the Cape Cod Commission from the years 1995, 1998 and 2005. The July 2005 modification included a condition that maintenance and repair of the revetment required a modification of the DRI decision. It also specified that any maintenance or repair needed would need to provide an alternatives analysis which has been included. Ms. Velozo turned the presentation over to Heather McElroy who recently visited the site.

Ms. McElroy stated that she joined the Town's Conservation Commission on their site visit to consider the emergency work order. She reviewed the photos showing the storm damage to the different locations from the recent storms. She discussed the wildlife refuge property north of the project site and stated that the weather station and other facilities have been closed because of the erosion. She asked Catherine Ricks for additional comments at this time. Ms. Ricks added that as part of the condition received yesterday, the sandbags will be removed from 97 Tilipi and replaced by larger rocks and all of the existing debris will be removed. At 27 Tilipi, the rock will be removed and replaced; 59 and 75 also have damage which is why they have been included in the overall project. Ms. Ricks shared a rendering of 59 Tilipi with a slightly higher elevation with vegetation and articulated rock.

Using a power point, Ms. Velozo reviewed the recommended conditions to Natural Resources and Public Access recommended by staff and stated that staff recommends that the proposed modification with the recommended conditions will not result in different or increased impacts to the resources protected by the Act and/or the RPP.

The Chair thanked staff and the applicant for their presentations and asked for comments from the members.

Mr. Wilson asked about the height of the revetment and how comfortable we are that it will continue to protect the properties. Ms. Ricks stated that a wave analysis indicated that 27 Tilipi Run would be sufficient; it will not go as high, but it will go further back. They are confident with design and that it will last 30-40 years.

Mr. Wilson asked about the rebuilding of the shoreline protection at 27 Tilipi and how it would affect the wildlife refuge property. Ms. Ricks stated that the design is such that it can be added to.

The Chair recognized Mr. Mitchell who asked Ms. McElroy if all the information given has been satisfied with the orders of conditions by the Town of Chatham? Ms. McElroy said yes, for 75, 49 and 27 who have received orders of conditions. The work proposed at 97 was only taken up yesterday as an emergency request, therefore will be an additional hearing with the Conservation Commission to issue an order of conditions with associated mitigation. Mr. Mitchell asked if 97 could continue work without an order.

Attorney Ford added that when the Conservation Commission voted to issue the emergency order, they did so contingent on the Cape Cod Commission approving today and DEP issuing their emergency order, and any Chapter 91 approvals. We only have 30 days to get work done under the order however that 30-day period will not start until CCC and DEP approval. Within 20 days, 97 Tilipi Run needs to file a NOI to bring a full order or conditions before the Conservation Commission for approval.

The Chair recognized Ms. Etsten who asked has question about public access as there is a condition to allow access to the beach or future beach. Could you delineate where public access would be required? Ms. Ricks stated the DEP requires public access; therefore the homeowners will have to allow access to transverse the property at the base of the revetment.

Upon a motion by Jacqueline Etsten to find that the proposed modification does not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and the Regional Policy Plan, by Harold Mitchell, seconded by Jacqueline Etsten, the motion carried. Roll was

vote was as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes; Douglas Fromm, Yes

Upon a motion to approve the request as presented for a Minor Modification Type #2 of the Chatham Revetments project phase 2 decision and direct staff to issue a written decision on behalf of the Committee by Jacqueline Etsten, seconded by Harold Michell, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes; Douglas Fromm, Yes

**New Business:**

There was no new business

**Meeting Adjournment**

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 1:42 p.m. made by John Harris, seconded by Douglas Fromm, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes; Douglas Fromm, Yes

**Documents used at the January 25, 2024 CPR meeting**

- Agenda, January 25, 2024
- Draft CPR minutes for the 9/26/23 meeting
- Meeting Power Point prepared by Cape Cod Commission Staff inclusive of all agenda items

**Approved by the Committee on Planning and Regulations on: 5/30/24**