Draft Executive Committee Meeting Minutes
Cape Cod Commission office
3225 Main Street, Barnstable, MA 02630
March 19, 2025

Chairman Harold Mitchell called the in-person meeting to order at 2:03 p.m.

Roll was called as follows:

Harold Mitchell	Present
Tom Wilson	Present
Richard Roy	Present
Kevin Grunwald	Present
Elizabeth Taylor	Absent

Review & approval of prior meeting minutes: Upon a motion by Tom Wilson, seconded by Kevin Grunwald, members voted to approve the 12/5/24 Executive Committee minutes as follows:

Harold Mitchell	Yes
Tom Wilson	Yes
Richard Roy	Yes
Kevin Grunwald	Yes

Executive Director's Report
Kristy Senatori provided a brief update on current activities:

- Member news – Stephen Mealy resigned March 4th; Nominating Committee being appointed at next Commission meeting.
- FY26 Budget Update – Budget proposal was reduced slightly as final numbers on health insurance rates were provided in early February (original 12% increase reduced to 6.5%.) Link to budget proposal on website. Proceeding through the Assembly of Delegates' process.
- Regional Policy Plan (RPP) update progressing; held an RPP subcommittee meeting this afternoon. Holding two public meetings next week (March 26th and 28th) to present information about the process and receive feedback. Received preliminary results from the UMass Donahue Institute residents' survey to help inform the update.
- Testified at the Mass. Department of Environment Protection's (DEP) March 3rd hearing on the 2025 Intended Use Plan (IUP). Awaiting final IUP to be issued. Staff continue to work with the Cape Cod and Islands Water Protection Fund Management Board Executive Committee to address concerns re the Mass. Clean Water Trust State Revolving Fund (SRF) for wastewater projects and changes DEP made that affected the 2025 IUP. The Mass. Clean Water Trust SRF is oversubscribed and the draft 2025 IUP places a $50million cap on applicants and eliminates the ability for carryover costs, requiring large, multi-year projects to reapply annually. This unilateral change will significantly impact towns' ability to fund projects and limit access to the Water Protection Fund subsidy.
- Continuing visits with Select Boards – visited Eastham, Wellfleet, Orleans, Sandwich, Brewster, Barnstable Town Council, Falmouth and Yarmouth last night. Truro tentatively scheduled for March

25th and others in April. Thanked members that participated with her and will continue to invite members to participate.

- Two comment sessions on the draft Freshwater Strategy were held on March 4th and March 6th. The 30-day public comment period closed on March 17th. Generally positive feedback was received and requests for presentations. Presented the Freshwater Strategy to the County Commissioners last week.
- Participating in evaluating proposals for Joint Base Cape Cod's updated master plan; may also include housing. Will interview four organizations.
- Presenting the Regional Housing Strategy Recommendations to the Assembly of Delegates this afternoon.
    - The housing land bank/community land trust research project wrapped up at the end of the year. Staff are reviewing the final report, which should be released to the public soon.
    - Finalizing the preapproved plans project by the end of the month. Final construction plans, guidelines for implementation and recommendations for zoning changes.
    - Issued an RFP for consultant assistance to develop a plan to incentivize year-round housing.
    - Regional Housing Profiles continue to be updated and shared with towns
    - Will continue participating in the Seasonal Communities Advisory Committee along with Senator Cyr, Reps Kipp Diggs and Hadley Luddy, which may provide many Cape towns with additional resources. Held a second meeting last week.
- Continuing to monitor the canal bridges project.
    - Presented at 3/4 Cape Homebuilders bridges update meeting
    - Attended a 3/6 Cape & Islands Bridges Coalition meeting
    - Attended a 3/13 Bridges Advisory Group meeting
    - State planning tree clearing to prepare for boring tests for new bridges
- Open Meeting Law – The House and Senate have agreed to extend until June 2027 the current amendment that allows for remote and hybrid meetings set to expire on March 31st; expected to be forward to Gov Healey this week. It is anticipated that the Covid-era flexibility re hybrid meetings will be made permanent. Will keep you advised.
- Chairman Mitchell is not seeking reappointment, extending through June. Thanked him for all he has done and is doing.

Development Agreement Regulations Cape Cod Commission staff reviewed with Committee members potential amendments to Chapter D of the Cape Cod Commission's Regulations of General Application, Development Agreement Regulations Governing the Review of Development Agreements, which are intended to clarify and streamline the Development Agreement (DA) process.

Kristy Senatori introduced the agenda item, noting that staff have identified areas needing streamlining and updating. Don't have any DAs pending so good time to make the adjustments. Make it more predictable for staff, members, towns and applicants.

Jessica Wielgus distributed two documents to committee members, a draft of revised development agreement regulations and a document entitled Summary of Changes to the Development Agreement regulations. She noted that the changes achieve four goals: 1) streamline the process to make the system more workable; 2) make the text more consistent with how we use Development Agreements; 3) eliminate any confusion or ambiguity; and 4) revise the language to recognize that development agreements are an alternative process to Development of Regional Impact review. She then presented the proposed changes to committee members by reviewing the entire draft with the members section by section as follows:

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1. This section contains general provisions. Moved definitions to their own section, no material changes.
2. This was previously part of section 1. This section clarified applicability of terms defined in the Act and minor edits for clarity; deleted definitions no longer needed.
3. This was previously section 2. Regulations revised to align with the CCC Act in that they must meet the standards and criteria for Developments of Regional Impact("DRI") and are an alternative to DRI approval; Moved discussion of components of a Development Agreement ("DA") to new section 5; moved language that development subject of approved DA is not subject to DRI review to new section 10; moved language regarding issuance of a certificate to new section 7.
4. This outlines who may participate in a DA, previously section 6.
5. This section outlines components of DAs and contains the requirements moved from prior section 2.
6. This section was previously section 3, Vesting of Development Rights. When CCC not a party, there are no land use rights vested regarding the regional policy plan, CCC regulations and CCC decisions. When a town is not a party, no vesting of development bylaws and regulations.
7. This was previously section 5, the procedure for entering into a DA with CCC. A sub heading was added for clarity. Section (d) of Section 7 adds criteria of what applicant is bringing forward to contribute to infrastructure and public capital, which is outlined in section 3, the purpose of DA. When town is party to agreement, they will furnish evidence of consistency with its own Local Comprehensive Plan. An applicant will provide an analysis of consistency with municipal development bylaws and a list of zoning waivers needed. The review has been streamlined; there are no longer dual tracks for subcommittee and applicant to review separately review with the town and applicant.
8. The former section 6 has been largely reduced in this section 8. Streamlined provisions relating to DAs where the Commission is not a party; rather than prescribe a process, municipal review governed by applicable municipal regulations approved by the Commission per Section 4; Provides separate DRI review is required if Commission is not a party to a DA. Similar to existing DA regs, if more than one municipality participates, process facilitated by lead community.
9. This section contains the language from existing section 3 related to relationship with local zoning rules.
10. This section clarifies that DA process is an alternative review mechanism for DRIs, such that separate DRI review is not required for approved DA projects.
11. This section is the new location for language in existing section 5; language is aligned with CCC Act; other language is revised for clarity.
12. This language related to duration of a development agreement was previously section 7 and is revised for clarity; deleted language setting a maximum duration for agreements when CCC is not a party.
13. This section regarding amendment or recission of a DA was previously section 8, revised for clarity.
14. This section on enforcement was previously section 9.

The next step of the potential process could be a joint meeting of the Executive Committee and Committee on Planning and Regulation (CPR), then it will need a full Commission review followed by the Assembly of Delegates ordinance process.

Member discussion: Chairman Mitchell suggested meeting with CPR separately rather than a joint meeting. Richard Roy said he needs to read through it. Kevin Grunwald was always confused by DAs because we don't do many of them. He agreed that a separate meeting with CPR would be best. Tom Wilson asked if the Wilkins project was initially a DA. Staff confirmed and said they chose the DRI process for their second project. In response to a question about towns' needing to update Local Comprehensive Plans (LCPs) to meet the 2018 Regional Policy Plan, Jessica Wielgus said that the CCC Act envisioned the LCPs would be updated to be consistent with updated Regional Policy Plans. In response to another question, she added that most towns currently have a bylaw authorizing its participating in DAs. Committee members suggested a shorter presentation may be more effective as the changes are not substantive or controversial.

Staff will schedule a meeting with the CPR and bring it back to the Executive Committee for a recommendation to the full Commission.

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New Business: Tom Wilson said how sorry he was to hear that Chair Mitchell is stepping down; he noted that as Chair, he always ensured that people felt they were being heard.

Adjourn: Upon a motion by Tom Wilson, second by Richard Roy, members voted to adjourn at 2:49 pm.

Harold Mitchell	Yes
Tom Wilson	Yes
Richard Roy	Yes
Kevin Grunwald	Yes

Documents Used/Received: Draft 12/5/24 Executive Committee minutes, Draft Development agreement regulations, Summary of Changes to Development Agreement regulations

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