

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
Barnstable County Complex
Eastwing Conference Center @ 4:00 P.M.
3195 Main Street, Route 6A
Barnstable, MA 02630

APPROVED Journal of Proceedings - December 4, 2019

CALL TO ORDER

Speaker MCAULIFFE: Good afternoon. Welcome to the Cape Cod Regional Government. This is the Assembly of Delegates. It's 4 p.m., December 4th, 2019. We are in the Eastwing Conference Center at the Barnstable County Complex in Barnstable, Mass.

I'd like to start with a moment of silence to honor our troops who died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Is anyone recording the meeting other than our transcriber? It's just a requirement of law that we ask.

We do have a remote participant due to distance; Delegate Zuern has called in.

Speaker MCAULIFFE: And will the Clerk please call the roll for the remainder?

ROLL CALL ATTENDANCE

Present (76.35%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne – remote participation due to distance).

Arrived Late (23.65%): Christopher Kanaga (2.73% - Orleans– @ 4:15 p.m.), Patrick Princi (20.92% - Barnstable – @ 4:35 p.m.).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 76.35 percent of the Delegates present and 23.65% are absent.

APPROVAL OF THE CALENDAR OF BUSINESS

Speaker MCAULIFFE: I'll take a motion to approve the Calendar of Business.

Ms. MORAN: So moved.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Any discussion? Okay. This will have to be a roll call vote because of remote participation.

Voting "YES" (76.35%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian

O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Madam Speaker, the business calendar is approved with 76.35 percent voting yes, and 23.65 percent are absent.

Speaker MCAULIFFE: Thank you.

APPROVAL OF THE JOURNAL OF PROCEEDINGS OF 11/20/19

Speaker MCAULIFFE: I'll take a motion for approval of the Journal of November 20, 2019.

Delegate O'MALLEY: Madam Speaker, I move approval as distributed electronically.

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussion? All right. Another roll call vote, please.

Voting "YES" (76.35%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Madam Speaker, the Journal is approved with 76.35 percent voting yes, and 23.65 percent are absent.

SUMMARY COMMUNICATIONS WITH BOARD OF REGIONAL COMMISSIONERS

- **County Administrator Jack Yunits provided the delegates with an update on board actions of December 4th meeting**
- **Overview of progress being made by the Coastal Management Committee, at the alternative septic testing center, mobile lab, and septic loan programs and the Buy Fresh Buy Local Grant**

Speaker MCAULIFFE: Thank you. Our next item is communications from the Board of Regional Commissioners. I see we have our Administrator Jack Yunits perhaps representing the Commissioners and the County.

Administrator JACK YUNITIS: Thank you, Madam Speaker.

Speaker MCAULIFFE: Thank you.

Administrator JACK YUNITIS: We're only reporting out tonight on one meeting, this morning's. Liz Argo is here. She presented to us as well this morning, so I'll say nothing more about that. I'll let Liz do that. I know she's presenting to you.

We also had a presentation from Heather McElroy from the Barnstable County Coastal Management Committee. I strongly suggest that you have that committee come up and report to you at some point after January 1st because the work they're doing is

tremendous. And Jim Killion knows all about it. He chaired it for a while and it's really coming together now in terms of incorporating the dredge, the old CRC, and the great staff of people they have. So it was just an update so I'm not going to say more than that at this point in time. You've got a lot on your agenda tonight.

We also approved a bid for the Mobile Lab at the Mass. Tech, the Innovation and Alternative Testing Center that's run by the County out at the Base. DEP has awarded us a grant to purchase this or lease this trailer to do specific lab work and expand the lab studies to include virus studies out at the Innovative Technology Center.

It's a huge step. It's the only place in New England, we believe, that's doing this type of work. So DEP and EPA were really supportive of the initiative.

The County also today, again getting back to that Mass. Tech Center, when we met with the state a couple years ago, we decided that it was imperative that we not just lend money for Septic Loan through Septic Loan to contractors for septic systems but we track the efficiency of those systems. So we make sure that the engineers and the design of these systems are doing what they said they were going to do.

And we're allowed to tack on a \$50 charge to all our loans. We built up an account. It's getting -- the number of loans, I think, is up to about 6,000 that we're supervising now. So we had to bring on an administrative person. We approved that today. That administrative person is paid out of that \$50 fee assessment. And the revenue projections are that that fund is going to increase. So it's not necessarily a grant-funded position. It's a Special Revenue Account funded position and that administrative assistant will be working out at the Base assisting -- and here assisting the Septic Loan staff in tracking these systems by keeping the database that's necessary to support the program.

Again, that's another great thing that Brian Baumgaertel might want to come in and talk to you about in the very near future. The work at the Innovative Testing System is becoming -- well, it's ready to go prime time. We're looking for sites. They're going to do a system for us at the farm, and we're looking for sites to take it off campus and bring it to the residents across Cape Cod right now. There's actually, I think, there's an offer up on the streets in the papers.

An application through VOCA to provide grant money for the Cove and on an ongoing basis it was approved today. No set money was -- it's just an application so no set money was appropriated.

The Buy Fresh Buy Local grant was approved, \$72,794. That's up from 10,000 last year. So great job to the Extension team for increasing that and a great program it is.

And that's just about -- there were a number of other smaller grants approved in Actions by the Commissioners but, generally speaking, that's a good summary. Liz will fill you in on the other.

Speaker MCAULIFFE: Delegate O'Malley.

Delegate O'MALLEY: Thank you, Jack. Can you tell me whether the work that's coming out of the alternative septic system test site is being published?

Administrator JACK YUNITS: It is in journals.

Delegate O'MALLEY: That's what I mean, yes.

Administrator JACK YUNITS: Yes, it is. George is often called to speak at seminars, particularly in the Northeast. He does a lot in partnership with URI. He does a lot in partnership with Suffolk County, New York. So it's something that gets noted in that

regard so.

Delegate O'MALLEY: That's great. I think it's real impressive and real important that we're doing it, and I'm happy to hear that it's getting out into peer-reviewed general circulation.

Administrator JACK YUNITS: Yes, Boards of Health know about it, for sure, here on the Cape.

Delegate O'MALLEY: Good.

Administrator YUNITS: It's not really -- it's not something that you're going to hear people talking about at your Christmas cocktail parties.

Delegate O'MALLEY: Of course.

Administrator YUNITS: So word is starting to get around.

Delegate O'MALLEY: Thanks.

Speaker MCAULIFFE: Delegate Green.

Delegate GREEN: Thank you, Madam Speaker, and thank you, Jack, for your report. Two questions; one is a follow-up to Delegate O'Malley's question. I know that there is some testing going on that doesn't have approval yet of DEP so that it can't be ready for prime time; are we moving forward in that direction?

Administrator JACK YUNITS: You know, obviously, it takes time to prove that these new technologies work. The companies that have invested significant amounts of money don't want to see a cheaper system come on line unless it's proven to be pretty efficient.

But the tests are coming back in the 80 to 90 percent range in removing phosphates and nitrates through these Innovative Technology Systems, which George calls the layer-cake system, which is the combination of carbon-based products, wood chips, sand.

And at the point now is to see how deep they have to go with that, how close they have to come to the actual water table to make it effective and that's what they're working on at this point.

Delegate GREEN: So they're keeping DEP apprised of every step of the way; is that correct?

Administrator JACK YUNITS: We're going to find out. We're going to put one at the farm when we build the new construction -- when we do the new construction out there for the office building, and we're going to track it with these new systems that EPA has approved so.

Delegate GREEN: Great. I'm really excited about the progress. And the second topic I wanted to ask you about is has Barnstable County continued to perform certain administrative and financial functions for CVEC, the Cape and Vineyard Collab --

Administrator JACK YUNITS: No, we don't. We partnered with CVEC in drafting an RFP for solar here on the campus and at the farm. But aside from that, unfortunately, we don't do a lot with CVEC. They're pretty much all done by the staff at CVEC.

Delegate GREEN: Okay. Because I did go on their website and there is a line that says that. So I don't know if it's fortunate or unfortunate but there's --

Administrator JACK YUNITS: No. We're a partner with CVEC just like a lot of the towns are.

Delegate GREEN: Okay. But this says does any one member of CVC have authority over CVEC and it does say that. So I just wanted to clarify that. Thank you.

Speaker MCAULIFFE: Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. Good afternoon, Mr. Yunits. Could you just give me the number of that Buy Fresh Buy Local grant that we received?

Administrator YUNITS: \$72,9794.

Delegate KILLION: And that was up from about \$10,000 last year?

Administrator YUNITS: \$10,000, yes.

Delegate KILLION: Great. Thank you.

Speaker MCAULIFFE: I just had one question. At our last meeting, Delegate O'Malley reported that the Human Rights Advisory Commission Executive Director is -- or director is -- has resigned or is resigning. Is there some activity or some action on behalf of the Commissioners or the County to replace the director?

Administrator JACK YUNITS: It's interesting. It's hard to talk about because it is very personal for her. But we're doing everything we can to help her get through her current situation and see how long she can stay on with us.

Speaker MCAULIFFE: Okay.

Administrator YUNITS: She's still with us.

Speaker MCAULIFFE: So right now then you still have a director.

Administrator YUNITS: Right.

Speaker MCAULIFFE: Okay. I guess I was under the impression she was going to leave. Okay.

Administrator JACK YUNITS: She's still with us.

Speaker MCAULIFFE: All right. Thank you.

Administrator JACK YUNITS: And I'm glad you brought it up, Madam Speaker, because a reminder that the Human Rights Academy breakfast is on the 10th, and there are a couple of awardees including one that was from Delegate O'Malley himself that will -- are great choices so.

Speaker MCAULIFFE: Great. Is that it? Thank you, very much.

Administrator YUNITS: Thank you.

Speaker MCAULIFFE: Our next item is a public hear -- excuse me.

Speaker MCAULIFFE: Any communications from public officials?

Public Hearing on Proposed Ordinance 19-19: To Establish a District of Critical Planning Concern (DCPC) in West Harwich Pursuant to the Cape Cod Commission Act

Speaker MCAULIFFE: Our next item is a Public Hearing on the Proposed Ordinance 19-19. It's to establish a District of Critical Planning Concern, which as you know the acronym is DCPC, pursuant to the Cape Cod Commission Act in West Harwich.

And we will open the Public Hearing with a little presentation about what exactly the ordinance is and what it's about.

MS. SARAH KORJEFF: Good afternoon. My name is Sarah Korjeff, and I'm the Planner and Preservation Specialist with the Cape Cod Commission staff. And I'll give you a brief presentation on the West Harwich District of Critical Planning Concern.

So a District of Critical Planning Concern or a DCPC is a tool that's made available through Section 10 of the Cape Cod Commission Act, which very specifically lays out a

process for creating DCPCs in areas where there's a presence of significant regional resources.

Some of the benefits of creating a DCPC are that it establishes a moratorium on development in a specified area so that the town can pursue development of new regulations that would protect those resources of concern.

And the DCPC process includes a number of public hearings and opportunities for the public to get involved in the development of those implementing regulations, and it also provides for Cape Cod Commission staff to assist the town and the public along the way and help them with the development of ways to protect these resources of concern.

The process includes numerous steps. We're several steps into the process here. Beginning with the West Harwich DCPC proposal, it began with a unanimous vote from the Harwich Board of Selectmen to nominate the West Harwich area as a District of Critical Planning Concern. They did that on September 16 and then forwarded it to the Cape Cod Commission on the 17th. It was noticed to the public on September 19 and the significance of that date is that was the beginning of the moratorium on development for the proposed area.

The Cape Cod Commission then first considered the nomination for the West Harwich DCPC at a meeting on October 3 and voted to accept the nomination which led to a public hearing in the Town of Harwich on October 22.

And at that public hearing, which was well attended, there was unanimous support from members of the public in attendance for the DCPC's creation.

It then came back to the Cape Cod Commission at a meeting on November 14 where they voted unanimously to recommend the West Harwich DCPC for designation. And that, essentially, brought us to today, where they forwarded the -- the West Harwich DCPC designation onto the Assembly for your consideration.

So your job today really is to determine whether or not to designate the DCPC as an ordinance. And if you do that, then the final steps would be -- it would go on to the County Commissioners for their signature, and then the Town of Harwich would have 12 months to develop and -- to develop implementing regulations to protect the resources of concern.

So, I'm going to walk you through the boundary of the proposed district and the resources of significance there. This map shows the portion of route -- the boundaries of the proposed district which stretch from the Dennis/Harwich town line on the left-hand side of your screen to the Herring River on the right-hand side of your screen. And the blue outline is the proposed district. The red area is an existing Commercial 1 Zoning District in West Harwich. And so you can see that the majority of the area that's proposed falls within that commercial zoning district; however, the rear portions of several lots which extend far back from Route 28 does include some residentially zoned areas in the district.

The Town of Harwich identified three types of resources that they wanted to address in this DCPC: cultural, historic, and architectural resources, economic resources, and transportation management. And I'll walk through the resources in each of those three areas.

The proposed district as shown again on this map includes 24 historic structures dating from roughly 1750 to 1914. Those are all shown with red dots here, and so you can see the density of the historic properties in this area. The Mass. Historical Commission evaluated that area in 2016 and determined that it was eligible for listing on the National

Register of Historic Places. It has not been listed but that determination of eligibility is a significant one.

This area also serves as a gateway to Harwich because of its location at the Dennis/Harwich town line and right along Route 28. And there's a recognition that because of the uniqueness of the properties and their proximity to the roadway that any redevelopment of that area could have a significant impact on the distinctive character.

The second issue area is that of transportation management. This is a pretty heavily traveled stretch of roadway along Route 28 which experiences an average of 10,000 trips a day and there are safety concerns there. For the period 2013 to 2017, which is our most recent data set, there were 40 crashes that occurred in that area, and we know that the area lacks sufficient pedestrian and bicycle accommodations. So that leads to a real interest in planning to improve safety in that area.

In terms of economic development, the unique character of the area really contributes to the economy. A number of the vast majority of the historic properties that were identified actually housed commercial uses. This is also an area -- it's commercially zoned as you've already seen, but it's also an area that's designated in the Regional Policy Plan as an Activity Center which comprises both this area of West Harwich and also the area of Dennis Port which is immediately adjacent. And there's a recognition that new regulations could really play an important role in enhancing the local economy.

The district has these several resources to protect, and we've identified specific goals in terms of really the most important things to protect in the district, that includes historic resources, respecting the traditional development patterns, enhancing and protecting the character of West Harwich, supporting and enhancing the small-scale local economy, managing traffic congestion and improving access management along Route 28, and improving bicycle and pedestrian safety and access along the corridor.

So as part of the proposed ordinance, these would be identified as the goals, and then there are guidelines to guide the town in their development of implementing regulations in each of the different issue areas. So the guidelines that address historic and cultural resources suggest that the town consider incentives -- specific incentives to protect historic resources, that they explore ways to prevent demolition of historic resources, and that they consider developing design guidelines for additions and alterations to historic structures.

The guidelines dealing with community design call for changing dimensional regulations, so zoning regulations to be consistent with the traditional development patterns in the area, and that the town consider developing architectural and site design guidelines for new development also.

Looking at the issue of transportation, the guidelines call for developing regulations that promote best practices and site access management, explore ways to improve pedestrian and bicycle and transit accommodations, also that the town consider regulations to promote pedestrian connections, and that they consider adopting regulations to limit high-traffic generating uses in this commercial zone.

And the fourth and final set of guidelines looks at the issue of balanced local economy and calls for exploring options to encourage mixed-use and multifamily development; to consider focusing density in this commercial zone in one portion of the district essentially re-creating the original West Harwich Village Center, that they consider

modifying allowed uses and the existing permitting process to provide incentives for certain types of development that they wish to see go forward, and also that they consider modifying lighting and signage regulations in the area.

So that, again, brings us to the process and where we are today in the role of the Assembly, and the requested action today is to vote to enact the ordinance that creates the West Harwich District of Critical Planning Concern. And there are also, as you know, numerous representatives from the Town here to speak to you today.

Speaker MCAULIFFE: Thank you. Does anyone have any specific questions on the presentation? It's not really for comment or our comments of support or not will probably come when we take our vote. But I wanted to make sure that everybody who had any questions could get them answered.

Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. This is small but I think when you first mentioned the startup date and action date, you mentioned it was on September 19th, but then later on you said it would be after the Commissioners either vote it in or out in their next meeting. So when does the 12 months start?

MS. SARAH KORJEFF: So I think the September 19th date was the beginning of the moratorium on development because the moratorium begins during this consideration process in order to prevent speculative development essentially from going forward in that period. The moratorium will then continue during that 12-month period that the town has to develop their implementing regulations. And so that 12-month period will begin once the County Commissioners sign off on the DCPC.

Delegate OHMAN: Okay.

MS. SARAH KORJEFF: All right. Does that help you?

Delegate OHMAN: Well, so they both seem -- it seems like there's two starting dates. I'm just a little confused.

MS. SARAH KORJEFF: So there's the starting date for a moratorium.

Delegate OHMAN: Moratorium, right.

MS. SARAH KORJEFF: And then there's the starting date for the 12-month period in which the town develops implementing regulations and those are separate times.

Delegate OHMAN: It's a reset in other words? There's a new 12-month period once the County Commissioners decide.

MS. SARAH KORJEFF: Well the beginning of the moratorium doesn't have a limit or a 12-month --

Delegate OHMAN: Oh, okay.

MS. SARAH KORJEFF: -- or any certain time associated with it.

Delegate OHMAN: Okay. Thank you.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: Thank you, Madam Speaker. I just wanted to know a little bit more about the outreach process; how many folks attended the hearing and how was the hearing noticed?

MS. SARAH KORJEFF: Okay. So the Cape Cod Commission held multiple hearings as I mentioned, and then the Public Hearing held in the Town of Harwich was noticed both through the Cape Cod Commission and through the Town. I'm looking at the Town Planner just to confirm that she may be able to give you more specifics on that. And

it was -- I believe the number in attendance was approximately 35 people, and they represented both property owners within the district as well as town officials and commercial property owners.

Deputy Speaker MORAN: Thank you.

Speaker MCAULIFFE: Any further questions? Thank you, very much. This was very helpful, especially the timeline because the timelines start to take over a presentation so it was nice to see it laid out. Thank you.

This is the public comment portion now where we invite public comment on the Proposed Ordinance. And the first person is Charlene Greenhalgh.

Ms. CHARLENE GREENHALGH: Thank you, very much, for having us here today. I am Charlene Greenhalgh, the Town Planner in Harwich. Sarah gave you such a great overview, I don't want to repeat some of what she said but, unfortunately, I am just a little bit.

So as she mentioned on September 16th, the Board of Selectmen did nominate this unanimously. In addition, both the Planning Board and the Harwich Historic District and the Historical Commission also voted unanimously to support the nomination of this DCPC. Many neighbors and residents of the area have also supported this.

As she mentioned, it is along the 28 corridor which is the entrance to the Town of Harwich. This area is known as Captain's Row due to the number of old sea captains' homes located from the Dennis Port/Harwich town line to the Herring River. And a number of those are included on the Mass. Cultural Resources inventory system, which is also known as MACRIS.

Sarah reviewed the areas that we are looking at which include community design and cultural heritage, transportation, and economy. And I think it's worth noting that in 2016 a very strong group of West Harwich residents prepared the necessary documentation for Mass. Historical Commission for review. And through that work, they did receive notification that this area does meet eligibility for listing on the National Register.

The West Harwich group has been, you know, working towards this goal; however, I do have to admit there's been quite a turnover in town planner position, so the continuity has been very difficult for them. And what really precipitated this was the Planning Board received a site plan application just about a year ago for a 7,400 square-foot retail commercial building and associated parking at 48 and 52 Route 28. After nearly seven months of hearings, the application was ultimately withdrawn but what it did was it brought to light how fragile this corridor really is to the demolition of the historic homes to make way for construction of larger retail businesses, and that's really not in keeping with the community character of this area, and, quite frankly, also the needs of the residents and visitors to this area and Harwich as a whole.

Well over 100 residents and neighbors attended the public hearings before the Planning Board to raise their concerns at that time. And I will mention that there's currently a demolition delay imposed for the property at 52 Route 28 which was part of this original development proposal, which is known as the Captain Baker House. The Historic Commission did impose a demolition delay that actually expired on September 18th of this year. However, because of the current moratorium, they just put a stay on that, which we're thankful for that.

The DCPC process will provide the opportunity to look comprehensively at the

development potential of this proposed district. It will provide more effective regulation and guidance to property owners and developers. One of the first questions as a planner that I get is, "Well, what is the Town looking for?" Well, we don't have anything to turn to.

And also the designation of the area as a DCPC will also provide the opportunity to incentivize appropriate development while also ensuring appropriate layout, design, and scale for desirable uses and this is an important aspect in gaining a balance between protecting community character and addressing realistic commercial economic needs of the community. I won't go into the transportation part of it. I think that Sarah covered that very well.

I will note that we do have also here today Selectmen Don Howell and Planning Board member Duncan Barry and that's -- oh, and regarding to how this was noticed, we had such public outcry an input. It was on our website. There were newspaper articles about it. There were email chains throughout the district. People we had never seen even at the Public Hearing that we had for the Planning Board came to that meeting and were, you know, completely in support of this designation. So word got out, believe you me. It was a well-attended meeting for a very quick turnaround which was very nice but it was very well represented by owners of property, homeowners and commercial property owners.

Speaker MCAULIFFE: Thank you, very much. Our next person who has signed up is Don Howell. Welcome.

Mr. DON HOWELL: Good afternoon, Madam Chair and member Delegates. I have to apologize in advance; I'm fighting off the cold that everybody seems to be getting these days.

So with that being said, pursuing this process and pursuing the approval of this ordinance is not something to be taken lightly and we haven't. Our submission was supported unanimously as it was stated before by the Board of Selectmen and it was jointly referred by the Planning Board and the Board of Selectmen.

A DCPC allows a timeout to intelligently address the current days' zoning issues and allows for an outcome that would supersede previous zoning, grandfathering if you will. I'll leave the technical discussion to others, and this is all I really have to say.

But on behalf of the Harwich Board of Selectmen and the entire Town of Harwich, I urge your positive vote to allow the real work to begin.

Thank you.

Speaker MCAULIFFE: Thank you. Sally Urbano.

Ms. SALLY URBANO: Good afternoon. So it's Sally Urbano; I'm from Harwich. I'm just here to hope that you will see what we see in West Harwich and vote in the positive for this District of Critical Planning Concern.

We have been working on it as a grassroots group for 5 years and that involved a base large enough, I think, that will ensure our success. So we worked with Mass. Historic Commission and also with MassDOT both of whom walked the area with us. We worked, of course, very closely with the Cape Cod Commission and Sarah Korjeff to whom we give much thanks. We worked also with the Planning Department and our own Charlene, with whom we also give a lot of thanks. We got the Board of Selectmen to support us, the Planning Board, our Chamber of Commerce, and also a lot of work and help from our local neighbors and business owners who all support this.

And our outreach included a drone video of the overlook of the area. We do have

multiple email chains, and we also got to post on a local Harwich Facebook page that carries to 2,000 people within Harwich.

Thank you, very much.

Speaker MCAULIFFE: Excellent. Thank you.

Is it Hal Urbano?

Ms. SALLY URBANO: I'm sorry?

Speaker MCAULIFFE: There's another Urbano underneath.

Ms. SALLY URBANO: I spoke for him.

Speaker MCAULIFFE: Okay.

Mr. URBANO: As usual.

Speaker MCAULIFFE: Okay. Duncan Barry.

Mr. DUNCAN BARRY: Yes, good afternoon. My name is Duncan Berry, and I'm a member of the Harwich Planning Board and a resident of Captains' Row and until that time of being on the Planning Board kind of an advocate for this group.

I just want to give you a quick thumbnail sketch that you can go into much greater detail in the 600-plus page document that Charlene prepared for the Cape Cod Commission submission project.

This is about a 1.1 mile stretch with, again, two dozen buildings that date from 1750 to 1914.

It's an usual and probably somewhat unique in the sense that you have this multigenerational unfolding dialogue of what the good life looked like for about six generations on the Cape. And not only that, there are magnificent architectural specimens of each of the major American residential scales of architecture. It's uncanny. You have to go to much larger cities to see this kind of density and quality.

In addition to that, we're also, in my own kind of historical curiosity, I found out that this was one of the earliest areas in Harwich to be settled as the old-comers or first-comers area. It was farmed area and settled in the early 1640s.

And not only that but we have just come to discover over the course of the last few weeks that one of the residents has discovered and submitted an arrowhead that dates to 6,000 years ago. So it's not just the captain's 19th-century and 18th-century captains; it's not just the 17th century settlers; it's the larger project of this long, long, long scope of history that, you know, it's just unbelievable that it's still here.

So, I would urge you to give this a positive nod and thank you for taking -- for listening to me. Thanks.

Speaker MCAULIFFE: Thank you. Is there anyone else who didn't get a chance to sign up who wanted to address the Assembly? No. Okay. Thank you.

Now what I will do now is close the public portion of the hearing.

Speaker MCAULIFFE: We have a presentation, another presentation and then when we convene in -- I can't tell you exactly when but it won't be too long, then we will have our discussion and vote.

So, obviously, stay if you care to but you don't need to be here for the vote, but the vote is a little bit of a delay.

Presentation from Cape and Vineyard Electric Cooperative Manager Liz Argo

Speaker MCAULIFFE: So, our next item is communications and presentation from Cape and Vineyard Electric Co-op Manager Liz Argo, and this is regarding accomplishments to date and benefits to Cape Cod. Welcome.

Manager LIZ ARGO: Good afternoon. Liz Argo, Manager of CVEC, Cape and Vineyard Electric Cooperative.

So I am here to tell you a little bit about what we do. Cape and Vineyard Electric Cooperative, what our accomplishments have been and to bring you up to speed in terms of what we've done, in fact, for Barnstable County specifically.

And we have been around from -- since 2007. We're the sister organization to the Cape Light Compact. Leo Cakounes who is a name that I think you are all familiar with is the president of the Cape and Vineyard Electric Cooperative. Ron Bergstrom is the representative from Barnstable County.

We were organized under a state statute that creates energy cooperatives in 2007 and the first members were the Cape Light Compact, Barnstable County, and the Town of Barnstable. We've grown now; we have 23 municipal members and we, in fact, include in those members the Town of Marion and the island of Nantucket now. So we're sort of expanding our borders.

We also serve districts, so an important feature is that we've been able to help school districts and fire districts with bringing forward the savings associated with renewables as well as the educational component for the schools and the helping us move towards the goal of reducing Greenhouse gases.

And in order to accomplish our mission, which is renewable energy, we have provided power sales which really are in the form of net metering credit benefits. That's where you see the savings.

We also have our projects involved in markets that have been created by ISO New England, which is the Independent System Operators of New England and Eversource is coming forward with programs as well. They're called "Clean Peak Standards," and we'll be participating in those to help stabilize the grid and reduce our demand.

Well, include now expanding into electric vehicles and charging stations. This is the picture that we have now of the participating towns, cities, and districts so we're running out of slide space.

We take -- bring forward our projects in what we call "Initiatives." The first one was back in 2010. It was seven rooftops, included Brewster's Stony and -- Stony Brook and Eddy School, Bourne's Middle School and we thought they were very large. It was totaled 750 kilowatts. We now realize that that was a great beginning but we've eclipsed that very much with the next project which was called Round 1 and that was landfills, mostly landfills. So as you drive across the Cape and Martha's Vineyard, you'll see most of the landfills with -- I don't think there's any that are left undeveloped on Cape Cod at this point. We have a couple on Martha's Vineyard that we're still working on, but most of those if they're not put in by CVEC are now managed by CVEC.

Round 2 included a lot of roof tops and more landfills and municipal lands. Dennis-Yarmouth Regional School District was a big participant in Round 2. Monomoy also participates.

Round 3 has just gone live. It was another one megawatt on seven rooftops. A lot of fire stations that are brand new on the Cape now have solar on their roof as well as, for instance, the Eastham Library.

Round 4 is now being contracted. It will be 12 megawatts which is, again, going back to a rather large array of renewables, we're getting into solar canopies which is great solution so that we're not taking down trees and using your land. So that includes canopies, roofs, another landfill, and this will include storage. So from now on as we go forward when we talk about a photovoltaic installation, it's going to be paired with storage.

We will reach 50 megawatts at the end of 2020 if all goes according to plan. This is a huge accomplishment. When we go off-Cape and appear at conferences and meetings and so on, the Cape and Vineyard Electric Cooperative has made huge waves because of the fact that we've accomplished -- we've accomplished so much here on Cape Cod and Martha's Vineyard.

Round 5 has been put out to bid. Barnstable County is playing a large role in Round 5. We have a vendor selection ongoing and we will be selecting our vendor on December 10 and that looks to be 14 megawatts and, again, includes the same kind of complementary installations.

So as I mentioned, it's the largest cooperative power total in New England. And at the end of FY19 we had saved our participants, which is the municipalities and the school districts and the fire districts, over \$13 million. So it's nice to focus on the green in the way of money saved, but it's also important to remember that that is commensurate to greenhouse gas reduction, which for some of us is really high on our list as well as we fight climate change.

We are doing EV cars and charging stations as I mentioned, and I'm proud to let you know that we have two electric cars that are coming to the County and six charging stations that will be installed on behalf of the County.

Net metering credit sales is another way that we provide savings and we help promote renewable energy development.

Barnstable County and the Town of Yarmouth, the Town of Provincetown, and a group of about nine other participants are participants in Power Sales Agreements involving renewable energy installations off-Cape as well as a wind power project that you see as you are on Route 25 coming on to the Cape.

We provide consultancy services, net metering credit, and electric usage management can be complex, so at this time we are contracted to provide management for Sandwich, Provincetown, Dennis, and the Town of Yarmouth.

We're very active with legislation and statutory reforms. We want to keep our finger on the pulse. Currently we're working with the Senate to relieve taxation of solar projects that are out in fields. It's not -- the Department of Revenue has determined that it's not going to put property tax on solar that's on top of roofs. Sometimes the roof is not the right place to put it. It's better to put it in a lot next door and that's taxed, and we've gone to DOR and said, "Why is that?" Because as soon as you tax it, the price for the installation goes up. So let's remove that overlay price and keep it affordable for the towns.

And we're a member on the Advisory Committee of the Cape Cod Climate Change Collaborative, which is a newly formed group which I know you're all familiar with which is very active in helping us fight climate change.

Coming up in FY20, we're adding a Community Solar offering. Community Solar is the way that we can provide renewable energy opportunities to members of the community who don't have a perfect roof to put solar on their roof or they don't have the capital to afford to invest. So in Harwich, they are a Green Community, and Harwich has dedicated a piece of land to be developed as per Green Community Regulations that will have renewables on it. And through Harwich, if all goes according to plan, we will offer community solar. We hope to reproduce that down the line but Harwich is our first of those kinds of projects.

We have a Battery Project at the D-Y Regional High School, which is a regional emergency shelter. We already have photovoltaics there, about 1200 kilowatts, and we'll be adding a battery so that that facility is resilient. When the grid goes down, they will continue to have power both through PV, battery, and generators.

We are doing microgrids that pair with power with storage to help with municipal facilities that are very power hungry, like waste treatment plants. And we are looking at more initiatives. We'll continue to develop renewables where we can as long as we can.

So what have we done for Barnstable County in FY19? Every year we come and present on the net benefit that has been earned to all the towns. We go to every town and we're here at Barnstable County and present it as Jack mentioned this morning for the County Commissioners.

In FY19, the net benefit from Barnstable County's participation in CVEC's programs was \$55,693 and that's just as an off taker. We're looking forward to Round 5, which as I mentioned, we'll be bringing renewable energy onto Barnstable County property.

And that leads me to Round 5; this is what we're looking at. We're looking at using the County Farm for what we call dual use so we would have a raised photovoltaic installation with agriculture underneath it, probably hay or straw.

The main campus parking lot, we're looking at a solar canopy. The Orleans District Courthouse, we're looking at possibly a roof installation and a solar canopy at that location. The Superior Courthouse, First District Courthouse, Lab, Deeds building, and the Health and Corrections Building are all under review and we'll see what comes forward. As I mentioned, the vendor selection is December 10, so that will be exciting.

And that wraps up my presentation, and I'm here hoping that you're going to have some questions for me.

Speaker MCAULIFFE: Okay. Excellent. Questions for Liz Argo? Yes, Delegate Harder.

Delegate HARDER: Thank you. Two quick questions; storage has always been a big topic of conversation with different ways, how are we -- how are you storing?

Manager LIZ ARGO: Its lithium ion batteries at this point. There's been talk of something called flow batteries, vanadium batteries, but we're seeing that the market -- the winner in the market is lithium ion at this time.

Delegate HARDER: Okay. And then second quick question; did Cape Cod 5 put -- did you work with them?

Manager LIZ ARGO: No.

Delegate HARDER: Did they put solar at their new building?

Manager LIZ ARGO: I don't know. I believe they did, but we can only do business or work on behalf of governmental entities.

Delegate HARDER: Okay. Thanks.

Speaker MCAULIFFE: Yes, Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. I have some not so quick questions; I have a lot of questions for you, Liz. I wanted to have some clarification. The County has come to you, to CVEC, and without going to an RFP process, I'd just ask you -- we want to go forward with these project; is that what you're understanding is?

Manager LIZ ARGO: The County, much like all of our town members, Barnstable County is a member, we're a government entity as well. So we do -- we work on behalf of the towns through an Intergovernmental Agreement. So there is no RFP process that CVEC goes through. CVEC is the agency that provides the RFP process on behalf of the members.

Delegate GREEN: Well, I have to say that Wellfleet, and I'm a member of the Energy Committee, and I believe that we could go out and get a better deal than what CVEC offered.

Manager LIZ ARGO: You haven't been able to yet.

Delegate GREEN: We did.

Manager LIZ ARGO: But you should probably try if that's the way you feel you should go.

Delegate GREEN: We are. We are. We have -- we went out for an RFP. I know that CVEC responded but we went with a different company that has given us much better terms and -- than CVEC was able to offer us.

Manager LIZ ARGO: I have to --

Delegate GREEN: Yes, and I'm just --

Manager LIZ ARGO: I'm not going to argue the point but that is incorrect information.

Speaker MCAULIFFE: I don't want have a -- yes, I don't want to have a debate here.

Delegate GREEN: I wanted to ask you other questions as well. So I tried to get that on the record.

Speaker MCAULIFFE: Delegate Green, can we kind of stick to the topic?

Manager LIZ ARGO: Right.

Speaker MCAULIFFE: Because we can't relitigate past issues. I know there are some very burning, emotional issues related to CLC and CVEC in the past.

Delegate GREEN: No, it's CVEC. So, I just wanted to get on the record that Barnstable County without going through an RFP has gone to CVEC and is now working with CVEC on these projects even though we brought these issues forward in past meetings regarding that.

The other thing I would like to ask you to clarify is you talked about in slide six about net metering credits and there's three megawatts of wind; you said something quickly -- are all of the members in CVEC benefiting from this or just several members?

Manager LIZ ARGO: Just the offtakers who elected to participate in a program called, "Power Sale Agreement."

Delegate GREEN: Okay. Now you know that I and other members of the Assembly are very concerned about the environment and very supportive of responsible energy solutions. And after the meeting that you had with the energy committees, we were speaking off-line and you said that I was the only one that had any issues with wind and

everybody else in that room wants wind energy. You know that this project, the "Future Generation Wind Project," you, I know you know this, has made the people in Barnstable County in Bourne very ill. I mean we're talking about --

Manager LIZ ARGO: I'm not going to stay and listen to those kinds of accusations.

Delegate GREEN: But we --

Speaker MCAULIFFE: Delegate Green.

Delegate GREEN: Okay.

Speaker MCAULIFFE: What we're going -- if you have a question specific to this presentation, please ask it.

Delegate GREEN: Yes, I do.

Speaker MCAULIFFE: But we're not going to get into a history here.

Delegate GREEN: Yes, you know, I wanted to ask you also about battery storage. Are you aware that there are battery storage facilities that have caught on fire and are you making -- what are you doing for safety?

Manager LIZ ARGO: We're working within state regulations and with the fire departments in all the towns that are looking into the battery.

Delegate GREEN: Okay. And, yes, I did have one --

Speaker MCAULIFFE: Yes, I think there's --

Delegate GREEN: I did have one other question about her website because we've asked in the past for presentations that would be given to the Assembly before -- to be included in our packets and we didn't get that. So I went to the CVEC website to look at what was on the website so that I could understand a little bit more about CVEC these days, you know, and I saw this. This is an award that was given for enormous contributions in founding and growing CVEC to Maggie Downey, and we all know that that's -- and according to the report by the Assembly **meeting video did not show Delegate Green who is speaking and holding up the Report to the Barnstable County Assembly of Delegates from the Special Committee on Inquiry into Cape Light Compact (CLC) and Cape Vineyard and Electric Cooperative (CVEC) with Members of the Committee being: Ronald Bergstrom (Chatham), Leo Cakounes (Harwich), James Killion (Sandwich), Deborah McCutcheon (Truro), and John Ohman (Dennis) and report dated May 2, 2012.**

Speaker MCAULIFFE: Okay. I'm going to cut this off.

Delegate GREEN: -- we know that it was funded by \$520,000 --

Speaker MCAULIFFE: Please.

Delegate GREEN: -- with an illegal grant.

Speaker MCAULIFFE: Please. Please.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Yes, Delegate Potash.

Delegate POTASH: Thank you. Thank you for coming to present to us today.

Manager LIZ ARGO: You're welcome.

Delegate POTASH: I was just wondering -- I watched you this morning when you gave your presentation to the Commissioners and I noticed that you mentioned -- there's only a certain amount of placement because you take down so many trees and then it stops. So I was just wondering is there a limit as to that?

Manager LIZ ARGO: There's no limit but the state's incentive program is functioning very well and discouraging development on property that has trees. So we're seeing a decline in that. I think the next version of the state's smart incentive program is going to be even more of a -- they call it a subtractor. So the developers who are looking to develop on land with trees are actually going to have money taken out of their pocket for doing -- for going that route. That's why CVEC is choosing solar canopies and roofs and capped landfills.

Speaker MCAULIFFE: I saw someone before you. Sorry. Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. Thanks for your presentation, Liz; it's really informative. I've really gotten to want to see more electric vehicles and stations especially. I think that it's the chicken and the egg; we need more stations before they'll be more vehicles, and you said that you're on pace doing that and it says that's your mission. What is your mission? More --

Manager LIZ ARGO: Renewables and we consider electric vehicles a portion of renewables.

Delegate OHMAN: Right, no, but as far as the stations, we need more stations so people --

Manager LIZ ARGO: So we've gone to every town and participant and member and school districts and fire districts and said there's a grant program right now at the state level called EVIP, and CVEC will facilitate your getting a grant application in so that the plan is that if CVEC facilitates then the towns will go forward more quickly with charging stations and cars and it's been successful.

So we're with you on that. We know that climate change is an issue and that 40 percent of the issue is attributable to transportation, so we understand that while we've done a great job with renewables, with almost 50 megawatts coming on board, that our next frontier is really to help with the transportation transformation.

Speaker MCAULIFFE: Delegate McCutcheon and then I'll come down here.

Delegate MCCUTCHEON: Thank you, Madam Speaker.

Speaker MCAULIFFE: Microphone.

Delegate MCCUTCHEON: My understanding about the structure of Cape and Vineyard -- I'll cut right to the chase, when did Leo Cakounes become president?

Manager LIZ ARGO: Well, he was the Barnstable County representative; now it's Ron Bergstrom but it was Leo Cakounes, and he was elected by the membership to be the president of CVEC.

Delegate MCCUTCHEON: Okay. Now what's the membership?

Manager LIZ ARGO: It's the towns and the county, Barnstable County, Dukes County, and the towns, and the Cape Light Compact are the members so.

Delegate MCCUTCHEON: Okay. And Ron Bergstrom is director for Barnstable County because he is --

Manager LIZ ARGO: He was delegated by the Commissioners.

Delegate MCCUTCHEON: Okay. Now do you recall when that happened, within the last year or?

Manager LIZ ARGO: As soon as the new Commissioners started business at the beginning -- I think -- when was Ron sworn in?

Delegate OHMAN: 2019.

Manager LIZ ARGO: So as the new Commissioners were brought on board, as is typical of the Commissioners, they all then divvy up who's going to be the representative to the different committees that they go to.

Delegate MCCUTCHEON: So there's always been someone from the --

Manager LIZ ARGO: From the County.

Delegate MCCUTCHEON: -- from the County, the Commissioners --

Manager LIZ ARGO: Always.

Delegate MCCUTCHEON: -- as a designee to your board?

Manager LIZ ARGO: Correct.

Delegate MCCUTCHEON: Would you say that there was some disparagement between Cape Light Compact and CVEC as these two organizations grew apart?

Manager LIZ ARGO: Can you define disparagement?

Delegate MCCUTCHEON: Well, I was looking for a better word than that, so there might have been some conflict engendered by the --

Manager LIZ ARGO: There was never any conflict between the two agencies.

Delegate MCCUTCHEON: Yes.

Manager LIZ ARGO: There was an issue with certain representatives; Leo Cakounes and this body did investigate the Cape Light Compact and the relationship with the Cape Light Compact and CVEC, and for that reason we left the County and separated ourselves from Barnstable County and have no -- we do no business with the Cape Light Compact. So we're totally independent individual organizations at this point.

It is true that at the beginning the Cape Light Compact was absolutely critical along with Barnstable County and the Town of Barnstable informing CVEC without Barnstable County we wouldn't exist. And without the Cape Light Compact, we definitely wouldn't exist. They were not only one of our founders but they were a funder and they choose to give that money not out of the money that they collect as part of the energy-efficiency program but out of money that they delegated specifically to create CVEC.

Delegate MCCUTCHEON: You're talking about --

Speaker MCAULIFFE: Okay. I want to kind of pull this in a little bit. If we want to have a CLC/CVEC topic on the agenda at some point, we can do that. This is more of an update of what the Cape and Vineyard Cooperative is doing right now. I know there are issues and long-standing questions and problems that the Assembly has had with the whole Cape Light Compact, CVEC, how and when the County was involved and when they left the County. This is not really the topic for today.

So, I'm happy to put that on the agenda -- on some future agenda to have people in for discussions. But I want to kind of pull this in a little bit right now because we are getting a little bit far afield from the update.

Delegate MCCUTCHEON: Well, I beg to kind of your indulgence, Madam Speaker; I thought I was sticking pretty clearly to the --

Speaker MCAULIFFE: Well, we're starting to go into the history and the issues of the Cape Light Compact and Cape and Vineyard. I think that's a topic for another meeting. That's not the topic for tonight.

Delegate MCCUTCHEON: Well, I will, of course, defer to your judgment; I have to so there you go. You have it. And I will ask for a -- well --

Speaker MCAULIFFE: No, I'm serious.

Delegate MCCUTCHEON: I know you are.

Speaker MCAULIFFE: Delegate McCutcheon, I will put an agenda item on if you want to delve into this in a more thorough topic at some point.

Delegate O'Malley.

Delegate MCCUTCHEON: We will do so, Madam.

Speaker MCAULIFFE: Okay, on a future agenda.

Delegate O'MALLEY: Thank you, Madam Speaker. A follow-up to the question from the Delegate from Chatham regarding clearance of green -- of forested spaces and you indicated it's your preference. I was at the all day for the Cape Cod Climate Change Collaborative where this issue was actually voted on and decided because there had been some division of opinion concerning solar power, PV, because of clearing green space.

And at that point, it was clearly decided that we're not only talking about an aesthetic issue of forests are nice, but they're also tremendous carbon sinks so that loss of forested space is a bad exchange for solar panels.

In any rate, it was very clearly decided at that point the same position that you've adopted which is that's a last resort. They should always go on already developed spaces whenever possible. So it sounds like we're coming to an alignment on that; would you say?

Manager LIZ ARGO: Yes. As I mentioned, we are on the Advisory Committee of the Cape Cod Climate Change Collaborative and we were helpful in formulating your policy.

Delegate O'MALLEY: Yes. I saw that come into being so thank you.

Manager LIZ ARGO: You're welcome.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Good afternoon, Liz. I'm interested in the electric cars and charging stations project; can you offer any information about a proposed timeline?

Manager LIZ ARGO: We have one that's going in at Nauset Regional School District even as we speak. Another one for Yarmouth that is -- they just ordered the equipment, the infrastructure.

We've worked closely with Eversource with what's called the "Get Ready" -- I'm sorry, the "Make Ready" program. To bring Eversource in, they are providing free infrastructure upgrades or providing the infrastructure so that all the towns are left to do is order the charging station, hire an electrician, and install the charging station.

Delegate CHAFFEE: And the county's?

Manager LIZ ARGO: The counties -- we're still at the stage we're waiting to see the grants come through at the county level.

Delegate CHAFFEE: Thank you.

Manager LIZ ARGO: We just this week saw a couple of grants come through. So I think we'll be seeing something for the County shortly.

Delegate CHAFFEE: Great. Thank you.

Speaker MCAULIFFE: Delegate Princi.

Delegate PRINCI: Thank you. I would like to see more of the -- thankfully I got to go to Falmouth this Thanksgiving -- Good Job Red Raiders. But I appreciate what you're saying about the canopy-type solar because it just provides a resource to, obviously, reducing the carbon footprint but it keeps the snow off your car, the rain off your car. It just

seems really smart and I hope to see more of that across the Cape as in -- is that Davisville?

Deputy Speaker MORAN: It is.

Delegate PRINCI: Okay. Good. I know Falmouth but --

My question is I had a constituent call me this summer or the latter part of the summer because they went through one of these independent solar companies and they had signed a contract and so forth. The solar panels were installed and close to six months later they weren't even activated yet.

So I asked them to get their electric bill and they looked at their electric bill and I noticed that either their distributor was Cape Light Compact -- so I advised them to contact -- because they weren't getting anywhere with the solar company and I advised them to call Cape Light Compact and, perhaps, they could help, you know, since that's part of your mission as well to produce clean energy, and they never received any type of phone call back.

Is there a constituent service for members of Cape Light Compact, numbers to call where they could get any assistance?

Manager LIZ ARGO: Well, there is an 800 number and I would be surprised if they, I mean, it's manned by operators.

Delegate PRINCI: Okay.

Manager LIZ ARGO: So I wonder if they didn't call the right number. But I would also note that the Cape Light Compact while they might try to give some advice, this is not a matter for the Cape Light Compact, I mean, other than we're all like minded and wish renewables to go forward. This is a Better Business Bureau issue. This is clearly the solar operator has defaulted on a contract. And CVEC is there to try to answer questions too if you want to try to call CVEC.

Delegate PRINCI: Okay.

Manager LIZ ARGO: Please do so but there's nothing we're going to be able to do other than advise them to call the Better Business Bureau because --

Delegate PRINCI: Do you have any type of relationship with Eversource to --

Manager LIZ ARGO: Eversource won't be able to help with this either. The problem is it lies with the solar panel interconnection that is provided by the solar installer. Eversource is -- it wouldn't be a fault of Eversource. It's the solar developer or installer, and this is not a lease, I would hope. This is -- they bought a solar system; do you know?

Delegate PRINCI: They leased a solar system.

Manager LIZ ARGO: That's a big problem and we're seeing more and more of that. And, again, buyer beware. It's much like when people decided they should go with outside individual power sales, power suppliers. The devil's in the details, and we are seeing a lot of the leases with installations where it is not operable.

Delegate PRINCI: Okay. Thank you.

Manager LIZ ARGO: Yes.

Speaker MCAULIFFE: Thank you. Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. Good afternoon, Ms. Argo.

It's reassuring to see that you've begun to add storage to your renewable portfolio. And does CVEC have any plans to go back and perhaps add storage to other solar facilities they've done? And is it in their plan to use that to offset peak usage? What's the plan going forward?

Manager LIZ ARGO: So the state right now is in the process of developing regulations around what's going to be called a "Clean Peak Standard Certificate," and this will enable a whole market to open up so that we can retroactively go back to our capped landfills that we've covered with solar panels, for instance, and put in batteries when they perform as they're supposed to to support the grid by providing energy when it's called for. That will be awarded with dollars. That program is -- the regulations are being formulated even as we speak, and we hope that in January we'll see what's called a Clean Peak Standard Certificate where every kilowatt hour of storage power is going to be rewarded with dollars and cents.

I'd also note that the Cape Light Compact has just been given the responsibility of being our demand management organization because they're our energy efficiency supplier. They are also going to be managing demand management. It's considered a part of energy efficiency and that will also have a dollar or penny award.

And as we see those markets develop, then we will see an ability to go out and ask developers to come in and do a third-party opportunity. When there's a revenue stream for them and a revenue stream for us, we'll see that market go forward.

Delegate KILLION: So you see a significant increase in capacity over the next few years?

Manager LIZ ARGO: I do, yes.

Delegate KILLION: Okay. Thank you.

Manager LIZ ARGO: And I think that's important because we're also seeing the transformation of the electric grid. As we go to electric vehicles, let's keep in mind that now we're asking for more and more power in the form of electricity. So renewables and battery storage to make renewables dependable, it's going to be more and more important.

Speaker MCAULIFFE: Thank you. I'm going to wrap this up because I'm going to have a future agenda item on CLC and CVEC.

Delegate GREEN: May I ask a question about --

Speaker MCAULIFFE: We have people here waiting for a vote. We have a Planning Board that needs to get back for a meeting. So I would request that we move on, and I guarantee you we will have CLC and CVEC in because there are other things that have been discussed that I think we could, you know, all benefit from hearing.

Thank you, very much.

Manager LIZ ARGO: You're quite welcome. Thank you for having me, and I hope you will ask me back again soon.

Speaker MCAULIFFE: Yes, we will. Thank you.

Speaker MCAULIFFE: Any communications from members of the public? Thank you.

Assembly Convenes

Proposed Ordinance 19-19: To establish a District of Critical Planning Concern pursuant to the Cape Cod Commission in West Harwich, Massachusetts.

BARNSTABLE COUNTY hereby ordains:

SECTION 1.0 Source of Authority/Qualification

As authorized by Section 10 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended, the Cape Cod Commission (“Commission”) hereby proposes the West Harwich commercial corridor, hereinafter described, for designation as a District of Critical Planning Concern (“District” or “DCPC”). The designation of this District was proposed by the Harwich Board of Selectmen.

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

Section 2.0 Effective Date

The District of Critical Concern set forth herein shall be effective following passage as an ordinance and upon recording of the ordinance with the Barnstable County Registry of Deeds.

Section 3.0 Description of the District

The nominated district consists of approximately 43 acres of land located entirely within the Town of Harwich, Village of West Harwich, and contains those parcels in the existing Commercial Highway (CH-1) zoning district with frontage along State Highway/ Route 28 from the Dennis/Harwich town line (Division Street) to just west of the Herring River, with the exception of certain portions of parcels located at 93 Route 28, 97 Route 28, and 156 Riverside Drive that fall outside of said CH-1 district.

Section 4.0 Types of Districts

The West Harwich DCPC is designated for the following types of districts:

- 1. Cultural, Historic, Architectural, Archaeological District**
- 2. Economic Development District**
- 3. Transportation Management District**

Section 5.0 Reasons for the District’s Designation

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

The purposes of this District are to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area’s unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area’s character.

The proposed district will preserve and maintain values and resources intended to be protected by the Act. Controlled development within the proposed West Harwich District is important for the preservation of historical, cultural, archaeological, and architectural values; balanced economic growth; and the provision of adequate and safe transportation facilities. There are planning and regulatory tools available which are likely to be effective in protecting or otherwise meeting the objectives of the District and current regulatory mechanisms are not in place to control growth and development in a manner that would appropriately manage and protect the resources within the proposed District.

Section 6.0 Critical Concerns in the District

The following are additional findings regarding the critical concerns in the proposed District:

6.1 Cultural Resources

The proposed District includes twenty-four historic structures dating from circa 1740-1914. The area was evaluated by Massachusetts Historical Commission staff in 2016 and determined eligible for listing on the National Register of Historic Places for its architectural significance and for its association with significant events in local history. The area is dubbed “Captain’s Row” for the large number of sea captains who built their homes there, and the buildings represent a wide range of architectural styles that were popular during the period of successful maritime industry in the region. While some historic buildings in the proposed District have been beautifully restored, others have been left vacant or in poor repair and may require incentives to promote their preservation.

6.2 Community Design

The proposed District encompasses the Commercial Highway-1 zoning district in West Harwich, which includes a variety of residential and commercial uses, some of which are ripe for redevelopment due to their age, configuration, or long-term vacancy. Because of the large number of historic structures and the unique character of the area, the site design and building design of any new development or redevelopment impacts the character of the area, which serves as a western gateway to the town of Harwich. Current zoning regulations allow for and encourage development patterns and building forms that are inconsistent with the historic development patterns in the area and harmful to its distinctive character. Context-sensitive building and site design regulations are needed to support the community’s vision for the district.

6.3 Transportation Safety

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6.4 Balanced Economic Development

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provide design guidance to property owners and developers will help the town achieve that balance.

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The following guidelines shall serve as the basis for the future establishment of implementing regulations to be adopted by the Town of Harwich pursuant to Section 11 of the Cape Cod Commission Act. In order for the implementing regulations to be approved, they must be found by the Commission to be consistent with the following guidelines.

The objective of these Guidelines is to ensure protection of the following goals and interests of the District through the establishment of implementing regulations by the Town of Harwich. The goals and interests of the District are to:

- Protect the historic resources in the District
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Guideline 1: Historic and Cultural Resources

- Consider incentives to protect and preserve historic resources such as flexibility in dimensional regulations, allowing additional uses, or increased lot coverage on lots with historic structures
- Explore ways to prevent demolition of historic resources such as establishing a local or National Register historic district or strengthening the demolition delay bylaw
- Consider design guidelines for additions and alterations to historic structures

Guideline 2: Community Design

- Change dimensional regulations to be consistent with traditional development patterns, including building setback, parking location, and building massing.

Traditional development patterns include, but are not limited to, buildings sited closer to the street and parking located to the side or rear of buildings with limited visual impact of parking along the street. The town should examine the scale, setbacks, and massing of existing historic structures to help define the appropriate scale and form of new development and redevelopment.

- Consider developing architectural and site design guidelines to protect community character

Guideline 3: Transportation Management and Safety

- Develop regulations that promote site access management best practices such as shared driveways and the minimization of number and width of curb cuts

- Work with MassDOT to explore ways to improve pedestrian, bicyclist, and transit accommodations along the Route 28 corridor
- Consider regulations that promote pedestrian connections to sites within the district
- Consider adopting regulations to limit high traffic generating uses within the district to improve traffic safety

Guideline 4: Balanced Local Economy

- Explore options for encouraging mixed use and multifamily development in forms consistent with the District's character
- Consider focusing density in one part of the District to create a village center focal point
- Review allowed uses and permitting processes and consider modifying them to support small-scale businesses, a diverse local economy, and reuse of historic properties
- Consider modifying lighting and signage regulations for the District to support its unique character

Section 9.0 Time Frame for Action

The Town of Harwich has one year from the date of the enactment of an ordinance by the Assembly of Delegates establishing the West Harwich DCPC to adopt and incorporate implementing regulations that are consistent with the Cape Cod Commission guidelines into its official bylaws, regulations and maps. The Cape Cod Commission may grant an additional ninety-day extension of this time limit and may carry forward implementing regulations on the Town's behalf as provided by Section 11 of the Cape Cod Commission Act

Speaker MCAULIFFE: The Assembly will convene.

Our first item under the Assembly meeting is a Proposed Ordinance 19-19, the district -- the establishment of a District of Critical Planning Concern pursuant to the Cape Cod Commission Act in West Harwich, Massachusetts.

Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. I'm just asking you all to please vote for this.

Speaker MCAULIFFE: Would you like to put the motion on the floor?

Delegate HARDER: I certainly would. Do I have to say something official?

Speaker MCAULIFFE: You just say, "I move Proposed Ordinance 19-19."

Delegate HARDER: Okay. I move Proposed Ordinance 19-19 to be approved.

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: All right. And you wanted to speak in support?

Delegate HARDER: Yes. It's really important, I mean, they've -- Sally and Lou and Duncan, their group has been really focused on this for five years but, honestly, this part of Harwich has been fought over for decades. And this is finally a chance to make everyone happy.

It's absolutely gorgeous there if you get a chance to drive by it if we could put the proper amount of work into it, which I think this allows us to do. So I'm begging you to please pass this.

Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? Just as a resident of Yarmouth, I know that when you have the Cape Cod Commission help you with some of your planning and zoning and town management sorts of issues, it's an incredible tool to have because they are an incredible resource in terms of helping not just put a moratorium on development but really helping towns to get to where they want to be and helping them figure out where they want to be.

So I think that this is just a great example of one of the benefits of our Cape Cod Commission and the strengths of our staff there and I want to thank you. We have Kristy Senatori, the Executive Director, here and thank you for the work that you do on behalf of the towns.

Speaker MCAULIFFE: Okay. So we have a motion and a second. It will be a roll call vote.

Vote on Proposed Ordinance 19-19

Voting “YES” (100.00%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 19-19 is approved with 100 percent of the Delegates voting yes and now known as Ordinance 19-18.

Speaker MCAULIFFE: Thank you.

Ordinance 19-18: To establish a District of Critical Planning Concern pursuant to the Cape Cod Commission in West Harwich, Massachusetts.

BARNSTABLE COUNTY hereby ordains:

SECTION 1.0 Source of Authority/Qualification

As authorized by Section 10 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended, the Cape Cod Commission (“Commission”) hereby proposes the West Harwich commercial corridor, hereinafter described, for designation as a District of Critical Planning Concern (“District” or “DCPC”). The designation of this District was proposed by the Harwich Board of Selectmen.

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

Section 2.0 Effective Date

The District of Critical Concern set forth herein shall be effective following passage as an ordinance and upon recording of the ordinance with the Barnstable County Registry of Deeds.

Section 3.0 Description of the District

The nominated district consists of approximately 43 acres of land located entirely within the Town of Harwich, Village of West Harwich, and contains those parcels in the existing Commercial Highway (CH-1) zoning district with frontage along State Highway/ Route 28 from the Dennis/Harwich town line (Division Street) to just west of the Herring River, with the exception of certain portions of parcels located at 93 Route 28, 97 Route 28, and 156 Riverside Drive that fall outside of said CH-1 district.

Section 4.0 Types of Districts

The West Harwich DCPC is designated for the following types of districts:

- 4. Cultural, Historic, Architectural, Archaeological District**
- 5. Economic Development District**
- 6. Transportation Management District**

Section 5.0 Reasons for the District's Designation

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

The purposes of this District are to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area's unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area's character. The proposed district will preserve and maintain values and resources intended to be protected by the Act. Controlled development within the proposed West Harwich District is important for the preservation of historical, cultural, archaeological, and architectural values; balanced economic growth; and the provision of adequate and safe transportation facilities. There are planning and regulatory tools available which are likely to be effective in protecting or otherwise meeting the objectives of the District and current regulatory mechanisms are not in place to control growth and development in a manner that would appropriately manage and protect the resources within the proposed District.

Section 6.0 Critical Concerns in the District

The following are additional findings regarding the critical concerns in the proposed District:

6.1 Cultural Resources

The proposed District includes twenty-four historic structures dating from circa 1740-1914. The area was evaluated by Massachusetts Historical Commission staff in 2016 and determined eligible for listing on the National Register of Historic Places for its architectural significance and for its association with significant events in local history. The area is dubbed "Captain's Row" for the large number of sea captains who built their homes there, and the buildings represent a wide range of architectural styles that were popular during the period of successful maritime industry in the region. While some historic buildings in the proposed District have been beautifully restored, others have been left vacant or in poor repair and may require incentives to promote their preservation.

6.2 Community Design

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Speaker MCAULIFFE: Next are Committee Reports. Are there any committees to report? All right.

SUMMARY REPORT FROM THE CLERK

- **Delegates reminded about upcoming MMA conference in January 2020**
- **Delegates reminded about the upcoming holiday gathering on December 18th**
- **Clerk provided a brief overview of Assembly FY21 proposed budget submitted to Finance**

Speaker MCAULIFFE: Okay. We have a report from the Clerk.

Clerk O'CONNELL: Yes, the first thing that I want to remind everyone of again is the municipal conference coming up in January; it's the 24th and 25th. If you want to attend, let me know. I can register you online. You take care of the hotel. I'm just going to kind of just be -- continue to remind everybody about that. And there are pieces of information that I have to have relative to the registration to make sure it's done correctly. And any of the special events that you want to attend you get tickets for because they do run out of those tickets. So the sooner I can do that, the better for the people who do want to attend.

As you're aware, the next meeting on the 18th there will be a small holiday gathering at the conclusion of the Assembly meeting. And, right now, I believe there is also going to be a committee meeting, a recall subcommittee meeting scheduled for about 2:30 in the afternoon on the 18th, so just before the Assembly meeting that committee will continue to do its work.

And last but not least, the budget for the Assembly has been submitted to the Finance office with one exception. There's one item that we have not heard back yet from County retirement in terms of what the percentage increase will be. I'm thinking it's not going to be great to a point where it's really going to radically affect the budget. And pretty much standard things that we've dealt with with the exception that this year there is a line item for Legal Expenses for the Assembly of Delegates and that's going to be in the amount of \$18,000.

But other than that, the Clerk's position is just COLA and merit and longevity. The registrations did go up for MMA by \$5 so it's a little tweaking there. It's a couple hundred

dollars. Most of the things have generally stayed the same.

The health insurance, the good news is that the County is projecting at this point an 8 percent increase. Last year it was 10; this year it's 8. They won't know until January. But because we projected 10 last year and it's 8 this year, the budget in that regard will go down slightly.

The same people are probably involved in the insurance plans so that remains somewhat stable, but I think you'll probably see the Assembly budget possibly be reduced by about \$10,000. I know not a lot but it's still a reduction.

So that's the good news and that will all start to really kick up and happen in January and February.

Speaker MCAULIFFE: Thank you.

SUMMARY OF OTHER BUSINESS

- **Delegates asked to submit any other items to be considered for a Charter Review related to structural changes, except for Recall, to the Speaker by 12/11/19**

Speaker MCAULIFFE: Under "Other Business," I just wanted to say one statement on the Charter Review. We have handled, I think, restructuring of County government almost every which way we can. However, I want to formally say if anyone has any thoughts or any ideas or any restructuring ideas that they want to be considered by the Charter Review or the Assembly, we need to have an action on that fairly quickly because of the legislature.

So I would like to know if anyone has that desire by next Wednesday so that we can schedule that and move forward on that. My feeling is people are probably okay with what's happened so far, but I wanted to formally put it out there so that someone doesn't decide in another three months, well, I had this idea.

And then I will definitely schedule a Cape Light Compact/CVEC agenda item. I know that this is a huge issue for some more senior or long-term Assembly members who have gone through a lot of unanswered questions and a lot of smoke and mirrors as far as some relationships. So I think it probably is time to at least have an opportunity to let people ask questions, get some information.

I don't feel that the Assembly feels that this was ever really handled or finished or wrapped up the way people felt that they wanted in terms of the information they wanted.

So I will schedule a future agenda item very soon because we have the budget coming and we will bring them in so that we know that that's what the topic's going to be; okay?

Is there any other "Other Business"?

I'll take a motion to adjourn.

Ms. MORAN: So moved.

Speaker MCAULIFFE: Thank you, very much.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:15 p.m.

Submitted by:

**Janice O’Connell, Clerk
Assembly of Delegates**

List of materials used at the meeting:

- **Business Calendar 12/4/19**
- **Unapproved Journal of Proceedings 11/20/19**
- **Public Hearing Notice for Proposed Ordinance 19-19**
- **Proposed Ordinance 19-19**
- **Cape Cod Commission presentation slides for Proposed Ordinance 19-19**
- **Letter from M. Maslowski dated 12/4/19 re: Proposed Ordinance 19-19**
- **Cape & Vineyard Electric Cooperative presentation handout/slides**