

**Board of Selectmen Joint Meeting with Planning Board  
January 20, 2015 – Meeting Minutes  
Truro Town Hall – 6:00pm**

**Selectmen Present:** Jay Coburn, Chair, Bob Weinstein, Jan Worthington and Maureen Burgess

**Planning Board Members Present:** Leo Childs, Bruce Boleyn, Chris Lucy, Steve Sollog, William Worthington, Lisa Maria Tobia and Michael Roderick

**Other Present:** Charleen Greenhalgh ATA/Planner, Rae Ann Palmer, Town Administrator, Regan McCarthy, Kevin Grunwald, Jonathon Idman

**Development Agreement Bylaw discussion with Jon Idman, CCC Chief Regulatory Officer**

Representative: Jonathon Idman, Chief Regulatory Officer with the Cape Cod Commission (CCC).

Discussion with the Planning Board and Members of the Board of Selectmen on how Development Agreement Bylaws work. A Development Agreement Bylaw is authorized under the Cape Cod Commission, Chapter D, Development Agreement Regulations Governing the Provisions for Development Agreements, Barnstable County Ordinance 92-1, and (Revised November 2014).

Mr. Coburn called the Board of Selectmen meeting to order at 6:10pm Mr. Childs explained that the bylaw has once been a bylaw in the Town, but was left out when the bylaw was recodified.

Mr. Idman explained what a Development Agreement (DA) is. It is a contract agreement between the permitting authority and a developer for developer to provide public benefits and improvements, such as affordable housing, infrastructure, open space, etc.) in exchange for predictability in identifying project, such as extended duration to obtain permits and construct project (phased projects) or freezing of regulations in place at time the DA is entered into. The CCC has the right to enter into a DA as an alternative to Commission Development of Regional Impact (DRI) of a project. CCC Act and regulations allow a town to enter into a DA as a party with the CCC and a developer, if a DRI review is required and without CCC involvement if no DRI review is required. If a town adopts a LCP, which is certified by the CCC, and the town adopts the DA bylaw, then the Town can enter into a DA without the CCC. Requires a public hearing process. There is a model bylaw available.

As an alternative to the DRI review, the CCC first has to find that a project will benefit from and is appropriate for a DA. It is usually large and multi-phased projects, such that regulation freeze and extended duration, regular permitting of projects is necessary and desirable. A DA will set out the duration, permitted uses and other developer considerations, restrictions and obligations. It allows for coordinated planning approach and mitigation schedule, especially in terms of infrastructure.

Mr. Idman emphasized that as described in the CCC DA regulations and model bylaw, Town can enter into a DA with a developer for projects approval with the CCC for non-DRI projects. Barnstable is a town which has done this. Freeze, extended duration, zoning variances by way of Town Meeting approval.

Mr. Worthington asked if the Stop & Shop project and the Tradesmen's Park project would have triggered this. Per Mr. Idman, Stop & Shop would probably not have been a DA as it would not have been a phased project. Tradesmen's Park went through a different type of DRI. Mr. Roderick asked how many projects there would be on this caliber for Truro. Mr. Idman was not sure, but would not think there would be many. Mr. Lucy asked if a subdivision would be seen as a phased project. Per Mr. Idman, the subdivision itself is not phased; it is the construction of the dwellings that could be. Mr. Lucy gave a scenario of a 50 acre parcel. Mr. Idman explained that 50 acres would trigger the DRI and it would have to meet the CCC regulations under the Regional Policy Plan (RPP), as well as local requirements. Mr. Lucy asked if the 50% open space is always required. Per Mr. Idman, in some instances it is more than 50%. Mr. Lucy expressed that back in 2002 the Town was told that the open space could be used for other types of uses. Mr. Idman explained that the Massachusetts Energy & Environment Agency (EEA) gets involved with conservation restriction, as to what would be allowable and what would not. Agricultural restrictions could also be allowed. The DA has to work with the Local Comprehensive Plan (LCP), per Mr. Childs. Mr. Idman reviewed this. Mr. Coburn stated that the LCP has not been updated in 10 years and the RPP is currently being updated.

Ms. Worthington asked for examples of phased projects. Per Mr. Idman, Red Jacket Inn in Yarmouth and Cape Cod Health Care Center in Hyannis. Mrs. Burgess asked how many towns have DA. Per Mr. Idman, about 7 towns. The Town of Barnstable has a DA where the town has entered into agreements without the CCC. Mrs. Burgess asked that if a developer wished to pursue a project in Truro as a DA, it would go to the Building Commissioner to make the determination as to whether it triggers a DRI; it would then be referred to the CCC. The project would still need to go through either a DRI or DA through the CCC. Mr. Weinstein asked if the repurposing of buildings would trigger a DRI review or have a phased project. Per Mr. Idman, this would also include real property.

Mr. Coburn asked about the process of what triggers DRI. Mr. Idman explained that there are two types. Mandatory Referral, there is a list of triggering mechanisms. Once the Building Commissioner or Planning Board refers a project to the CCC all local time tables stops. Mr. Idman explained that the most intense review is whether the project meets the requirements of the RPP. A type of standard under water resources is nitrogen loading standards. The project is reviewed by and through all RPP standards and requirements. He spoke to the Lowes project in Dennis, which met the RPP standards; however it was ultimately found to not be in the best interest of the community. Mr. Coburn expressed that one of the concerns he has is the capability of the town staff to be able to review such projects. The second type of referral is a discretionary referral where a project can be referred for review under specific aspects of the RPP (Traffic, Water Resources, etc.)


As a practical matter, Mr. Idman does not see the types of projects that would trigger a DA in Truro. He did express that technical services are also available through the CCC staff. Ms. McCarthy provided a scenario of a project, and asked how this stops the local processes of the town and how abutters and others who are interested get involved. Mr. Idman explained that there is a public hearing process for DRI review. The Town and abutters are notified as are neighboring towns. Mrs. Greenhalgh expressed that Town Staff still has the opportunity to

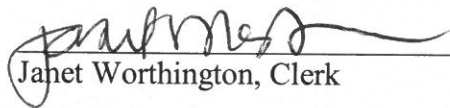
review projects and the CCC staff reaches out to Town staff for input. Per Mr. Idman explained that projects would still need to come back to the town boards (after DRI approval) for final approvals and permitting. Under a DA it would eventually come back to the Town through the Board of Selectmen for approval. The public would have a say through the public hearing process whether the DA is through the CCC or the Town level.

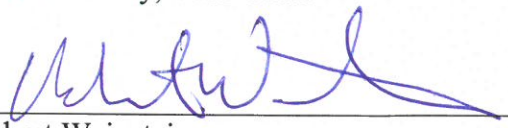
Mr. Lucy asked if there is a down side to adopting this. Mr. Idman does not see one, especially in light of the fact that it had once been on the books. Mr. Coburn is still struggling to understand why this is something that needs to get completed. What problem is this going to solve. Mr. Sollog agreed with Mr. Coburn. There were no more questions for Mr. Idman. Both Boards thank him for attending and for providing a clear overview.

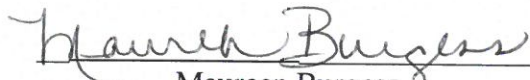
The Board of Selectmen portion of the meeting adjourned at 6:50pm.

Respectfully Submitted, Charleen Greenhalgh

  
Jay Coburn, Chair

  
Janet Worthington, Clerk

Absent  
Paul Wisotzky, Vice-Chair  
  
Robert Weinstein

  
Maureen Burgess