

Draft Minutes
NP&EDC Meeting
Monday, January 24 2022, 5:00pm
Remote Participation via Zoom Webinar

A video recording of the meeting may be view using the link below:
<https://youtu.be/2iPX9oBoWeg>

Call to Order:

Chairman Lowell called the meeting to order at 5:08pm

Establishment of Quorum:

In attendance:

Commission:

Chairman Nat Lowell
Mary Longacre, Vice-Chair
John Trudel
Fritz McClure (*joined 5:16pm*)
Matt Fee
Barry Rector
David Iverson
Bertyl Johnson
Jack Gardner
Wendy Hudson
Maureen Phillips (*joined 5:13pm*)

Staff:

Andrew Vorce, Director of Planning
Leslie Snell, Deputy Director of Planning
Megan Trudel, Land Use Specialist
John Giorgio (Town Counsel)
Derek Krevat (MassDOT)

Chairman Lowell recognized the late Judith Wegner and thanked her for her dedication and service to the community.

Approval of the Agenda:

Bert Johnson moved to approve the agenda. The motion was duly seconded by Barry Rector, and the motion carried **UNANIMOUSLY**.

Approval of the Minutes:

September 10, 2021

Barry Rector and Matt Fee abstained from the vote of the September 10, 2021 minutes

John Trudel requested a correction to the start time, should reflect 5:05pm. Wendy Hudson requested a correction to a misspelling of “Wannacomet”.

John Trudel moved to approve the September 10, 2021 minutes as corrected. The motion was duly seconded by Bert Johnson and the motion carried **UNANIMOUSLY**.

November 18, 2021

CONTINUED

Public Comment:

No public comments.

Action/Discussion Items:

**Public Hearing – FFY 2022-2026 TIP Amendment #1, close 21-day Public Comment-
Steamship Authority, capital project for new vehicle transfer bridges and gallows:**

Director Vorce confirmed that he has not received any written public comment.

Derek Krevat provided the Commission with an overview of the project and voting procedure.

Barry Rector moved to close the 21-day public comment period. The motion was duly seconded by Bert Johnson and the motion carried **UNANIMOUSLY**.

Barry Rector moved to approve and endorse the amendment to the TIP. The motion was duly seconded by Bert Johnson and the motion carried **UNANIMOUSLY**.

Fertilizer Discussion:

Town Counsel, John Giorgio, reviewed his opinion with the Commission (which has previously been provided to the Select Board). He mentioned that the Attorney General issued a detailed decision regarding Falmouth. Mr. Giorgio further explained that two different scenarios could allow a Town to adopt more stringent fertilizer regulations than what the state allows; if the bylaw/regulation was in effect on or prior to July 1, 2012 and therefore continues to be enforceable *or* when a regional planning commission can recommend a more stringent regulation that can then be adopted by the Board of Health as long as the recommendation is in conjunction with the University of Massachusetts Amherst (state agency). A final option would be to the Home Rule Petition that is currently on the warrant for ATM 2022, which proposes to ban fertilizers, and would then need to be approved at the state level.

Chairman Lowell asked for clarification on why the Falmouth case was rejected by the Attorney General, and Attorney Giorgio confirmed that the proper process was not followed, which would require the Cape Cod Commission to make the recommendation for Falmouth in conjunction with UMass.

Matt Fee suggested that the NP&EDC working with UMass may be the best approach. Attorney Giorgio explained that there must be a thought out, fact based comprehensive plan developed. Mr. Fee stated that a complete ban may not be necessary, but something needs to be done.

Dave Iverson asked whether the Board of Health had the ability to make changes or if any changes had to be first run through the NP&EDC. Attorney Giorgio confirmed that the changes would need to come from the NP&EDC.

Maureen Phillips stated that there have been research through various Town groups for harbor plans, water quality, nitrogen loading in the harbors, etc. Ms. Phillips also suggested that the NP&EDC move as quickly as they can, and that there is a fertilizer working group that is meeting. She would like to look at areas where fertilizer is necessary vs. where is it being used for aesthetic purposes, and start looking at the data that is already available.

Mary Longacre asked for examples of other communities in Massachusetts that are implementing restrictions and whether the Comprehensive Plan is specific to fertilizers or is it an overall Master Plan. Attorney Giorgio confirmed that he is not aware of other communities who have exercised the authority and that the plan would be specific to fertilizer.

Chairman Lowell asked Attorney Giorgio what exemptions may apply such as schools/fields, agriculture, golf courses, etc. Attorney Giorgio stated that, through the working group, a comprehensive plan could determine what uses would be exempt, and that uses that may be exempt from zoning may not apply to fertilizer.

Mary Longacre suggested inviting a UMass representative to attend a future meeting regarding fertilizer discussion.

Director Vorce stressed that staff is here to assist in implementing any findings of the workgroup and Commission.

Barry Rector stated that it's important that UMass be involved from the beginning and reminded the Commission that the Commission is advisory and not regulatory. Additionally, any plan to be implemented will need to go through a public review and public hearing process.

**Discussion item only, no motion*

DLTA Contract acceptance:

Director Vorce explained to the Commission that the signing of the contract will provide \$50,000 funding, and that the eligibility is due to being a regional planning agency.

Dave Iverson moved to endorse the DLTA contract. The motion was duly seconded by Barry Rector and the motion carried **UNANIMOUSLY**.

Appointments:

MARPA

Matt Fee moved to appoint Mary Longacre as the MARPA representative for the remainder of the year (through June). The motion was duly seconded by Bert Johnson and the motion carried **UNINAMOUSLY**.

By-Law Committee

Dave Iverson moved to appoint Barry Rector as a By-Law Committee representative for the remainder of the year (through June). The motion was duly seconded by Mary Longacre and the motion carried **UNINAMOUSLY**.

Bylaws:

CONTINUED

Other Committee Reports

Rural Policy Advisory Commission - Wendy Hudson made the Commission aware of a hearing regarding an act relative to unpaved roads.

Mary Longacre - Select Board adopted a Coastal Resiliency Plan with forty recommendations.

Affordable Housing Trust – Dave Iverson informed the Commission that there was a groundbreaking ceremony at 31 Fairgrounds Road.

Other Business

Megan Trudel informed the Commission that the next meeting date will tentatively be held on February 8th to discuss articles of planning concern.

Adjournment:

Fritz McClure moved to adjourn the January 24, 2022 NP&EDC meeting. The motion was duly seconded by Mary Longacre and the motion carried **UNINAMOUSLY**.

The meeting adjourned at 7:37pm.

Minutes submitted by:
Megan Trudel