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CAPE COD  
COMMISSION

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**Minutes**  
**Cape Cod Commission Meeting**  
**Barnstable County Complex, East Wing Conference Room**  
**3125 Main Street, Barnstable, MA 02630**  
**July 11, 2019**

The Chairman, Harold Mitchell, called the Cape Cod Commission meeting to order on Thursday, July 11, 2019, at 3:00 p.m., in the East Wing Conference Room, Old Jail Building, 3195 Main Street, Barnstable, MA 02630. Roll was called, and a quorum was established:

Town	Member	Present
Barnstable	Fred Chirigotis	✓
Bourne	Stephen Mealy	✓
Brewster	Elizabeth Taylor	✓
Chatham	Tom Wilson	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Dr. Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	Absent
Wellfleet	VACANT	
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Ronald Bergstrom	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	Absent
Governor's Appointee	Michael Maxim	✓

## **SUMMARY OF ACTIONS TAKEN/VOTES:**

- **Approval of minutes:** The minutes of the June 13, 2019 Cape Cod Commission meeting, July 2, 2019 Subcommittee meeting and March 28 Subcommittee Public Hearing minutes were unanimously approved.
- **Canal St Crossing,** following a presentation and discussion, the Cape Cod Commission voted unanimously to approve the Canal Street Crossing project.

## **PUBLIC COMMENTS**

Harold Mitchell, Chairmen asked for any comments from the public on matters not on the meeting agenda. No members of the public were in attendance, and no one offered comment.

## **APPROVAL OF MINUTES**

The minutes of the June 13, 2019, Cape Cod Commission (CCC) meeting were reviewed. Upon a motion to approve the minutes by Len Short seconded by John Harris, the motion passed. Jaqueline Etsten and Stephen Mealy abstained from the vote.

The Chairman, Mr. Mitchell, turned to the Chair of the subcommittee for approval of the minutes of the March 28, 2019 Subcommittee Public Hearing. Upon a motion to approve the minutes by Jack McCormack, seconded by Fred Chirigotis, the vote passed unanimously. Len Short abstained from the vote.

## **Executive Director's Report**

Kristy Senatori stated that the planning of 6<sup>th</sup> annual One Cape Summit is in full swing. The event is on July 29<sup>th</sup> and July 30<sup>th</sup> at Wequassett Resort and Golf Club. Commission members are invited to attend, please reach out to staff for registration.

Ms. Senatori reported staff updates as follows:

- Jordan Volazo has joined the Cape Cod Commission as a Regulatory Officer. Ms. Volazo has previous legal experience at the State House.
- Anne McGuire has resigned from her position as an Administrative Assistant and we are advertising for that position.
- Chloe Schaefer is working as the Acting Chief Planner.
- Sarah Colvin is joining the staff next week as Communications Manager.
- Patty Daley and Lev Malakhoff took advantage of the early retirement incentive and have now rejoined the Commission in part time roles.
- The Water Resource Analyst position is open, and a Natural Resource Analyst will be advertised in the near future.

Ms. Senatori asked that members please check their email regularly as information is being distributed via email frequently.

## **Public Hearing: Canal Street Crossing – Continued Hearing – Michele White**

Harold Mitchell, Chairman read the Hearing Notice to open hearing

*This is a hearing continued by a subcommittee from July 2, 2019 on the following Development of Regional Impact (DRI):*

**Project:** Canal Street Crossing (CCC File No. 19007)

**Project Location:** 21 Hunters Brook Road/ Canal Street, Sagamore Beach, Bourne

**Project Applicant:** 21 Hunters Brook Road, Inc.

**Project Description:** Proposed mixed-use development of the site with a medical office building, continued care facility, age-restricted residential housing units, and associated site improvements.

*Anyone wishing to testify orally will be welcome to do so. Written comments may also be submitted at the hearing.*

Upon a motion to approve the minutes of the July 2, 2019 subcommittee meeting by Stephen Mealy seconded by Fred Chirigotis, the vote passed unanimously.

Greg Wirsen of Green Seal Environmental, Inc. presented a power point. He introduced the site which is located over the Sagamore Bridge in the Sagamore Beach Village. The presentation included the site location and surrounding areas. The Project Overview described the Mixed-Use Development to include Medical Office Building, Continued Care Retirement Community and Age Restricted Residences. He stated that there is a regional need for the development and that project design follows Cape Cod Architecture and Village Style Layout. The Senior Care Overlay District (SCOD) was approved by the residents of Bourne and the requirements were reviewed. Mr. Wirsen reviewed the economic benefits, and how the project aligns with the Cape Cod 2018 Regional Policy Plan. He further explained that each of the applicable Technical Bulletins is addressed in the Development of Regional Impact (DRI) application and how the applicable methods in the Technical Bulletins were satisfied. In conclusion, Mr. Wirsen stated the site is properly zoned for the proposed use, the proposed layout follows the intent of the SCOD, the design satisfied the criteria set forth in the Cape Cod Regional Policy Plan and Technical Bulletins. He stated the Applicant has taken considerable steps to reduce impacts from the Project through the project design, such as traffic flow, and incorporates mitigation measures. The development will provide housing, including 11 affordable units, and medical services in the local region.

Mr. Mitchell, Chairman, asked that the staff make their presentation.

Michele White, Commission Staff, explained that the project is a Development of Regional Impact because it proposes construction of any building or buildings for Commercial use with the gross floor area greater than 10,000 square feet and 30 or more new residential dwelling units. The project is a mixed use development to accommodate the aging population, and listed each building that is being proposed. She stated that Commission staff worked closely with the applicant during the development process. The project went through MEPA review, where Commission staff commented on the project in 2018 and the Applicant received their MEPA certificate in January 2019. The applicant submitted a DRI application to the Commission in February, 2019 and continued to provide additional information on the project. A DRI Subcommittee was formed and the members are Harold Mitchell, Fred Chirigotis, John Harris, Stephen Mealy and Ron Bergstrom. Two public hearings were held by the Subcommittee with presentations from the applicant and the Cape Cod Commission and public comment was accepted. Public comments included concerns about traffic, the size of the development and support for the project. The Commission also received written letters of support for the project. At the hearing the DRI Subcommittee directed Commission Staff to draft a favorable decision on the project for its further review and continued hearing to July 2, 2019. At that hearing the Subcommittee voted to recommend that the full Commission that it adopt the draft DRI decision and approve the project subject to the conditions in the decision and the Subcommittee continued the hearing to today's Commission meeting.

The Commission enabling regulations outline the required findings for the DRI approval which include consistency with the Regional Policy Plan (RPP), District of Critical Planning Concern implementing regulations, Municipal Development Bylaws and any Commission Certified Local Comprehensive Plan. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment. Relative to the Regional Policy Plan the commission reviewed the following goals and objectives.

### WATER RESOURCES

The Project Site is in an area of Sagamore Beach where groundwater flows directly to the Cape Cod Canal, which does not have a Total Maximum Daily Load (“TMDL”) or nutrient reduction goal. It’s not mapped within a Wellhead Protection Area, Potential Public Water Supply Area, or within a Fresh Water Recharge Area.

Potable water for the Project will be provided by the North Sagamore Water District’s municipal system through a new water main looped through the Property. A private irrigation well will be used to maintain the landscaping.

The Applicant coordinated with the Water District prior to and throughout the DRI review. The Water District determined, by a vote of the Water Commissioners, that the water system has adequate capacity to serve the Project and issued an Order of Conditions for Availability of Water Service, subject to the conditions that the Applicant upgrade approximately 2,200 linear feet of water main within Canal Street and Hunter’s Brook Road, and that if the Project exceeds its initial allotted water capacity the Applicant will work with the District to implement water conservation measures or system upgrades.

An advanced wastewater treatment facility will serve the medical office building, Continued Care Retirement Community, and Age Restricted Resident Housing, treated to a maximum effluent concentration of 5.0 mg/L NO<sub>3</sub>-N, which results in site-wide nitrogen loading of 3.0 mg/L. With on-site subsurface conditions as sands and gravels, and characterized as somewhat excessively drained, groundwater modeling shows that overall, the proposed wastewater treatment facility, location, and discharge are not anticipated to negatively impact groundwater resources.

The stormwater management system design provides the required stormwater treatment, storage capacity, and separation to groundwater, and includes Best Management Practices (BMPs) and low impact development (LID) techniques that allow for water quality treatment and infiltration of runoff from developed portions of the site.

### WETLAND RESOURCES

There is a wetland and associated wetland buffer on the western portion of the site, with documented poor water quality and biological characteristics.

To separate the commercial traffic to the site from the residential area of Hunters Brook Road, the Applicant designed access to the Medical Office Building and Continued Care Retirement Community from Canal Street, which is a preference of town police and fire officials for emergency response, and, which is a concern of local residents. The Applicant worked with town officials, the local community, and Commission staff on iterations of the site design over time to include that second access to the site from Canal Street. The Subcommittee heard comments from local residents wanting to limit commercial traffic on Hunter’s Brook Road.

Access to the site from Canal Street requires crossing the wetland and performing some grading and vegetation removal within the wetland buffer. Consistent with the RPP, the applicant has designed the project and that crossing to avoid impacts to the wetland, and minimize and mitigate impacts to the

wetland buffer by proposing to install a 65-foot long clear span bridge, which will provide vehicular and pedestrian access, and utility interconnections into the site.

Allowing for construction of the crossing will promote other regional Goals and Objectives from the Regional Policy Plan, such as better traffic and access management to the site, and preserve community character by limiting impacts from the commercial development on areas with a residential character. The subcommittee recommended support for this approach, which is consistent with Section 9 of the RPP.

### WILDLIFE & PLANT HABITAT

The Property is not mapped for rare species habitat, BioMap2 Core Habitat or Critical Natural Landscapes, or vernal pools. The Project Site is relatively isolated, with no linkages to a larger network of off-site habitat, forest or open space areas.

Consistent with Wildlife & Plant Habitat and Wetland Resources Objectives, the Applicant will remove invasive species and restore a portion of the wetland and buffer area with native plantings and will provide restoration area maintenance and monitoring.

### OPEN SPACE

The applicant will preserve open space both on-site and off-site and will preserve more than the required amount of Open Space associated with development in the Natural Area Placetype by restricting 2.56 acres on-site associated with the wetland and wetland buffer; and the remaining Open Space requirement will be the protection of a 4.59-acre parcel located on MacArthur Boulevard. Both of those areas will be protected with a conservation restriction. Consistent with the Open Space and Wildlife and Plant Habitat Goals, the off-site parcel is of higher resource value than additional land on-site, and is located within mapped rare species habitat, BioMap2 Core Habitat, wellhead protection area, and is contiguous with a large area of unfragmented, undeveloped, forested lands containing ponds, vernal pools, and small intermittent streams.

### COMMUNITY DESIGN

The purpose of the local Senior Care Overlay District is to provide a transition between the existing commercial development in the area and the residences to the south of the Project Site. The larger commercial buildings proposed in this Project are sited away from residential streets and on a lower grade to reduce their visibility. They incorporate varied roof forms, massing and architectural features.

The design vision for the buildings incorporate traditional building forms and materials, with sloped roofs, fenestration patterns, and variation in the façades. The exterior materials throughout the project consist of shingles accented with white trim, columns, and board and batten elements. Exterior lighting, signage, and parking are consistent with Commission design standards

The project incorporates landscaping using native plants, and a comprehensive landscape management plan

### TRANSPORTATION

The traffic study included a safety and capacity analysis at 12 study area intersections and 5 roadway links. The Property is well-located to support non-automobile trips to the site, including its close proximity to the Cape Cod Canal Bike Path and the Sagamore Park and Ride facility, where transit access is provided by regional carriers and the Cape Cod Regional Transit Authority via the Sandwich line. The Project is expected to generate over 100 anticipated peak hour trips and the Applicant has

identified mitigation measures commensurate to the project impacts that promote healthy transportation, reduce congestion and improve safety.

## ENERGY

The project has been designed to include renewable energy, energy resiliency, and conservation and efficiency measures.

The Medical Office Building and Continued Care Retirement Community are designed to be Leadership in Energy and Environmental Design (LEED) Certifiable and the Age Restricted Resident units have been designed to meet the Massachusetts Stretch Energy Code.

Eight of the Age Restricted Resident units will include roof-mounted solar panels; and 4 electric vehicle charging stations will be located between the Medical Office Building and Continued Care Retirement Community. The Applicant will enter into a power purchase agreement to purchase at least 50% of the energy used at the Medical Office Building and Continued Care Retirement Community buildings from a renewable energy provider, which is also one strategy used to achieve LEED Certifiability for these buildings.

Given the potential visibility of these buildings the Applicant chose to purchase renewable energy and not to incorporate roof-mounted solar panels, focusing the design of the buildings on energy conservation measures and incorporating traditional building forms and roof lines in keeping with the character of the neighboring community, and have worked to reduce the total amount of roof-mounted mechanical equipment. The Applicant did consider ground-mounted solar panels and a solar canopy array but limitations like the subsurface stormwater management and wastewater components, and the need to clear additional land on-site, made those options unfeasible or undesirable.

## CULTURAL HERITAGE

There are no known historic resources on the Project Site. The Applicant submitted a Project Notification Form to the Massachusetts Historical Commission (MHC) on numerous occasions and MHC did not comment on the Project.

## ECONOMY

Construction of the Project is anticipated to begin in the spring of 2020 and continue through the winter of 2023. The total development cost of the Project is projected to be \$40-50M and estimated to provide tax revenue to the town of Bourne of \$200-300K annually.

During the construction phase the project is anticipated to support jobs in the construction trades, building material and outfit suppliers, and earthwork and site development contractors. Post-construction, it's anticipated that the commercial portions of the project will support living wage jobs in administrative positions, nurses/assistants, physicians/physicians' assistants. And are also anticipated to support jobs in services such as security, custodial, food services, building and general maintenance, and landscaping.

## HOUSING

The Age Restricted Resident Housing will provide housing diversity and choice by creating smaller scale housing units designed for the senior housing market, increasing the variety of housing types needed at that life stage. It will add new residential units to the Bourne housing market, and the Continued Care

Retirement Community units may allow for Bourne residents to remain living in the community through a variety of life stages.

Consistent with the Housing Technical Bulletins, the Applicant will provide affordability restrictions on two (2) of the Age Restricted Resident Housing units and nine (9) of the Continued Care Retirement Community units as affordable to people earning 80% of the area median income (AMI) or lower. The Applicant will need to identify an entity to hold the affordability restrictions and a qualified monitoring agent.

## **OTHER STANDARDS OF REVIEW**

There are no District of Critical Planning Concern implementing regulations. The Town of Bourne doesn't currently have a Commission-certified Local Comprehensive Plan.

Comments on the project from the Town Planner, Coreen Moore, who noted the zoning applicable to the Project Site, confirmed that the proposed uses are allowed, that the Project will require a special permit from the Planning Board through Site Plan Review, and that the Project design meets the minimum lot area, frontage requirements, and setbacks.

Benefits of the project include increasing housing supply and diversity, supporting local development, increasing senior care and medical service options, providing mixed use on the site and restricting wetland resources on the site and high conservation value land offsite. Generally the detriments include work in the wetland buffer and land clearing and disturbance.

Conditions include that the applicant will provide the affordability restrictions on 10% of the housing units, will provide the conservation restriction on 2.56 acres onsite, 4.59 acres offsite, provide a copy of the renewable energy power purchase agreements, applicant will perform the proposed invasive species management & ecological restoration onsite, perform the proposed transportation mitigation, and install solar panels on the residential units and incorporate the energy conservation measure into the project.

Dr. Cheryl Andrews mentioned concerns about traffic, asking Ms. White about the proximity to the Transportation Center. She asked if there was a commitment from Cape Cod Regional Transit Authority (CCRTA) to add this site to their stops. Ms. White stated that the CCRTA will use money to do an analysis to see if there is an opportunity to increase the stops at the location or to provide an additional stop. Mr. Wirsen added that there are plans to add a bus shelter and the Applicant is hoping that the CCRTA will incorporate the site into their stop.

Ernest Virgilio commented that an excellent review of the project has been done and feels that everything necessary has been covered.

Joy Brookshire was looking for clarification on how people would be paying to live in the development. Ms. White stated that the developer has not yet identified an operator of the facility. Mr. Wirsen stated that the facility will likely be leased out and how it will be paid will be determined at that time.

Charles McCaffrey asked about the affect to the site if the Sagamore Bridge is to be rebuilt. Randy Hart, VHB, Director of Transportation Planning & Engineering stated that there are many variables associated with potential changes to the Sagamore Bridge. He feels that there is a reasonable assumption that it probably won't have much impact on this parcel of land.

Ms. Taylor asked about the runoff into the wetland. Mr. Wirsen indicated that it has been coming from Canal Street. The drainage associated with this site is being designed to not drain into the wetland.

Ms. Taylor also asked about community gardens. Mr. Wirsen stated that there is not a significant amount of grass therefore didn't plan on community gardens, however, those in the over 55 town home units will have the right to plant in their own parcel of land. Ms. Taylor also asked about the use of Round Up to treat invasive species, and stated a preference for invasive species removal by hand pulling or cutting. Mr. Wirsen stated that is the plan however the root structure will still need to be terminated. Mr. Wirsen stated that he will find an alternative.

John Harris stated that under the condition C15 solar panels will be installed. Mr. Wirsen stated that 8 out of the 15 townhomes are conducive to solar panels. The medical office building and continued care retirement facility will enter into a power purchase agreement where 50% will be renewable energy. Mr. Harris asked if there were consequences of noncompliance. Mr. Idman stated if the applicant doesn't live up to its commitments that are reflected in the conditions of the decision, it won't receive a certificate of compliance from the Commission, which will prohibit the Town from issuing a building permit or a certificate of use and occupancy, and explained that the Commission has the ability to enforce decisions through land court. Mr. Harris pointed out that the 2018 RPP is the document used.

Jacqueline Etsten asked if the title was good on the parcel of land to be restricted as off-site Open Space; Mr. Wirsen said yes. Ms. Etsten feels that the buildings are too high and wishes they had less stories. She also stated that if there had been more open space on the site itself it could be used to create a garden.

Ms. Brookshire asked for clarification on how the medical facility will be set up and the types of services that will be provided. Mr. Wirsen stated that it is an open space and currently does not have an occupant. She also asked about the bedroom options in the townhomes as it relates to the amount of people in the unit, due to the profit to the builder. Mr. Wirsen stated the townhomes are one bedroom units with a bonus loft.

Mr. Mitchell closed the first round of questions. He asked for public comments from local, federal or state officials. There were none.

Mr. Mitchell opened the public comment period to the public. There were none.

Mr. Mitchell stated that being the Chairman of the DRI Subcommittee, there were a lot of members of the public that came forward. The two main concerns were traffic and water. Both issues have been answered and addressed thoroughly and satisfactory to the Subcommittee.

Mr. Mitchell opened up for final Commission comments.

Tom Wilson was impressed with the development of a 10 acre mixed use project. He asked if the Commission staff has any feedback on the parking shortfall, as the medical facility is short 9 – 10 spaces. Ms. White stated that the Commission review looks to reduce parking below local zoning requirements which they have done by 9 spaces. The waiver that Mr. Wirsen had referenced will be a waiver from the parking requirements from the local senior care overlay district. The waiver will be requested to Planning Board through site plan review.

Jack McCormack stated that although the Commission may approve a project, it is always subject to local approval, adjustments and bylaws.

Charles McCaffrey would like to follow up on what Ms. Taylor stated earlier about the treatment of invasives with round up and what commitment the applicant was making to seek an alternative. Mr. Wirsen stated that he will make a 100% commitment now.



Chairman, Harold Mitchell took a motion to close to the public hearing on the project by John Harris, seconded by Ernest Virgilio, the vote passed unanimously.

Chairman, Harold Mitchell took a motion to adopt the draft DRI decision with the provisions discussed and approve the project subject to the conditions in the said decision as recommended by the subcommittee by John Harris, seconded by Stephen Mealy, the vote was passed unanimously 13 – 0.

Mr. Wirsen thanked Michele White and Jon Idman for their work and assistance with the project.

### **Cape Cod Top 50 Crash Locations and Road Safety Audits**

David Nolan and Colleen Medeiros, Cape Cod Commission Staff, presented a power point. The presentation outlined the Cape Cod Top 50 Crash Locations Report and the Road Safety Audit (“RSA”) process. The Cape Cod Top 50 Crash Location Report documents the highest crash locations in the region based on the total number of crashes, severity-weighted number of crashes, crash rate, and severity-weighted crash rate. This report also documents recent and planned efforts to improve safety at these locations. A RSA, which is a formal safety examination of an existing or future road or intersection by an independent, multidisciplinary team, provides an opportunity to further analyze the region’s high crash locations. Several RSAs are performed yearly by the Commission as part of the Unified Planning Work Plan (“UPWP”). Additionally, MassDOT also regularly performs RSAs around the Commonwealth at high crash locations. Approximately 35 RSAs have been performed on Cape Cod since 2007.

Mr. Nolan reviewed the Crash Dashboard that will be launched on the Cape Cod Website in the near future. The Cape Cod Crash Dashboard visualizes geolocated crashes on Cape Cod from 2012-2017 in an attempt to better understand where high crash locations exist in Barnstable County. Data provided from the State is inputted into the dashboard when available and used for examining the number of crashes, severity of crashes, bicycle and pedestrian related crashes and much more. Lists of high crash locations are highlighted in the dashboard with hopes of providing users with as much information on Cape Cod crashes as possible.

Mr. Taylor asked how we determine which high crash locations are worked on and specifically mentioned Exit 9B in Dennis. Mr. Nolan stated that some of these locations have already been looked at and some are actively being worked on. Next year the Cape Cod Commission will be doing a Route 134 corridor study in Dennis, where the Exit 9 interchange and ramps will be looked at. This past year a Route 6 interchange and shoulder study was done and will be presented at the next Metropolitan Planning Organization (MPO) meeting on July 15. The crash dashboard will be available after the OneCape Summit on the Cape Cod Commission website. The crash information will be updated yearly once new data becomes available.

Mr. Harris mentioned concerns about how we accelerate projects due to the number of crashes on Cape Cod.

Mr. Chirigotis feels that this is a valuable tool for the town to identify problem areas and where traffic counting measure are needed. He commented that State Highway, Town Road and Federal all have difference processes and it makes a difference in how they rectify the problem.

Ms. Etsten asked where the data comes from and Mr. Nolan stated that it comes through the Registry of Motor vehicles and these are reported crashes only from the town police departments. It does take about two years for MassDOT to finalize the most recent year of crash data to make available for public use.

Mr. McCormack stated that he has attended meetings of the MPO and felt that it was very informational and he suggested that other members consider attending a meeting.

**NEW BUSINESS: *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.***

Mr. Michell, Chairman mentioned the passing of Roger Putnam. We would like to bring the family in to show our appreciation. There is a memorial service in October and will keep the committee informed as the information is received.

There is an alternate position available on the Committee for Planning and Regulation (CPR). If you are interested, please let Mr. Mitchell know.

Upon a motion to adjourn at 5:00p.m. by Jacqueline Etsten, seconded by John Harris, the vote was passed unanimously.

**List of Documents Used/Presented at the July 11, 2019 Commission Meeting**

July 11, 2019 Cape Cod Commission Meeting Agenda  
Draft meeting minutes of June 13, 2019 Cape Cod Commission meeting  
Draft Subcommittee meeting minutes of July 2, 2019 meeting  
Draft Subcommittee Public Hearing minutes of March 28, 2019 meeting  
Power Point on the Canal Street Crossing project  
Cape Cod Top 50 Crash Locations and Road Safety Audits, Power Point

Respectfully submitted,

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Elizabeth Taylor, Clerk, Cape Cod Commission

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Date