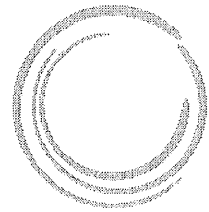


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**Minutes
Lowe's Home Centers
DRI Subcommittee Meeting
November 25, 2013
Assembly of Delegates Chamber
First District Courthouse, Barnstable County Complex**

Commission Members Present: Richard Roy (Chair), Royden Richardson, Elizabeth Taylor, John D. Harris, Leonard Short, Mary Pat Flynn (Alternate), and John H. McCormack, Jr. (Alternate)

Commission Staff Present: Jessica Wielgus (Commission Counsel), Paul Ruchinkas (Affordable Housing Specialist), James Sherrard (Hydrologist), Steven Tupper (Technical Services Planner) and Andrea Adams (Senior Regulatory Planner)

Applicant's Group Present: Attorney Michael Ford

Minutes Summary:

A Cape Cod Commission (Commission) Subcommittee held a meeting to review a draft written decision on the proposed Development of Regional Impact (DRI) for the proposed Lowe's store to be located at 9, 10, 20 Commerce Street and 55 Theophilus F. Smith Road, Dennis, MA, and to make a recommendation to the full Cape Cod Commission. The Subcommittee reviewed and approved draft Subcommittee meeting Minutes from October 21, 2013, October 24, 2013, October 29, 2013, November 1, 2013 and November 4, 2013. The Subcommittee voted unanimously to forward the draft Lowe's written decision to the Cape Cod Commission for their consideration as amended. The Subcommittee voted to adjourn the meeting at 10:30 AM.

Documents Used/Received:

1. Draft written DRI decision
2. Draft October 21, 2013 Subcommittee Meeting Minutes
3. Draft October 24, 2013 Subcommittee Meeting Minutes
4. Draft October 29, 2013 Subcommittee Meeting Minutes
5. Draft November 1, 2013 Subcommittee Meeting Minutes
6. Draft November 4, 2013 Subcommittee Meeting Minutes

OPENING THE MEETING

Mr. Roy, Subcommittee Chair, opened the Subcommittee meeting at 10:00 AM.

Mr. Roy asked for motions to approve the draft sets of Minutes from the October and November Subcommittee meetings.

Upon a duly seconded motion, the Subcommittee voted unanimously to approve the draft October 21, 2013 Subcommittee meeting Minutes as presented.

Upon a duly seconded motion, the Subcommittee voted unanimously to approve the draft October 24, 2013 Subcommittee meeting Minutes as presented.

Upon a duly seconded motion, the Subcommittee voted unanimously to approve the draft October 29, 2013 Subcommittee meeting Minutes as presented.

Upon a duly seconded motion, the Subcommittee voted unanimously to approve the draft November 1, 2013 Subcommittee meeting Minutes as presented.

Upon a duly seconded motion, the Subcommittee voted unanimously to approve the draft November 4, 2013 Subcommittee meeting Minutes as presented.

REVIEW OF DRAFT DECISION

Attorney Wielgus, Commission Counsel, said that the main purpose of the meeting was for the Subcommittee to review the draft written Development of Regional Impact decision. She suggested the most orderly way to do this was to review the draft page by page.

Mr. Roy said that was a good procedure to use.

Attorney Wielgus asked the Subcommittee for comments, questions or corrections on each page of the draft DRI decision.

The Subcommittee reviewed each page of the draft decision page by page.

On page 9, Mr. Harris suggested the decision in this section was in conflict with respect to the discussion of *Developed Area*.

Attorney Wielgus suggested the testimony in the draft decision was correct, and reflected the Subcommittee's deliberations and two separate motions on the subsets of factors that made up the definition of *Developed Area*.

Mr. Harris asked about page 10, and the discussion of Change of Use with respect to the Inflatables Park/Play Zone.

Attorney Wielgus said the Inflatables Park/Play Zone was found by the Subcommittee to be a Change of Use for the purpose of *Developed Area*.

Ms. Taylor noted a misspelling of the word "development" on page 16.

Mr. Harris noted that the Subcommittee had not found the project to be Redevelopment for the purposes of a Water Resources finding on page 23.

Attorney Wielgus said the Subcommittee had found that the project was not Redevelopment for the purposes of Affordable Housing, so that fact was carried over into the Water Resources findings. She noted the Subcommittee had approved Water Resources Finding 30 as written.

Attorney Wielgus noted a correction on page 26 to the foot-note #4 which should read "...*Finding TF33*."

Attorney Wielgus also noted that the draft decision includes a place-holder for the Materials Submitted for the Record.

Upon a duly seconded motion, the Subcommittee voted unanimously to forward the draft Lowe's written decision to the Cape Cod Commission for their consideration as amended.

Mr. Roy acknowledged Attorney Ford to comment.

Attorney Ford said he had been in contact with Attorney Wielgus on November 22, 2013, and said he had noted to Attorney Wielgus that Lowe's would be requesting a continuance of the full Commission meeting from December 5, 2013 to December 19, 2013. He said several members of the Applicant's team could not make the scheduled full Cape Cod Commission meeting of December 5, 2013 where the decision was to be reviewed, including Dr. Clyde Barrows, who the Applicant hoped to testify on the project's proposed economic benefits. Based on this, Attorney Ford requested a continuance of the public hearing on the draft decision before the full Commission from December 5, 2013 to December 19, 2013.

Attorney Wielgus requested that Attorney Ford, as the Applicant's representative, make this request in writing. She also noted that as of now, the full Cape Cod Commission meeting was scheduled to take place on December 5, 2013 beginning at 1:00 PM in the Assembly of Delegates Chambers. She said they would explore the feasibility of changing the schedule.

ADJOURNMENT

Upon a duly seconded motion, the Subcommittee voted unanimously to adjourn the Subcommittee meeting. Adjourned at 10:30 AM. Respectfully submitted,

Richard Roy, Subcommittee Chair

Date