3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

Minutes

Meeting of
Cape Cod Commission

January 5, 2012

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	√
Bourne	Michael Blanton	√
Brewster	Elizabeth Taylor	√
Chatham	Lynne Pleffner	√
Dennis	Richard Roy	√
Eastham	Joy Brookshire	√
Falmouth	Vacant	Vacant
Harwich	Robert Bradley	√
Mashpee	Ernest Virgilio	Absent
Orleans	Leonard Short	√
Provincetown	Austin Knight	√
Sandwich	Joanne O'Keefe	Absent
Truro	Peter Graham	√
Wellfleet	Roger Putnam	√
Yarmouth	John McCormack, Jr.	√
County Commissioner	Mary Pat Flynn	√
Minority Representative	John Harris	Absent
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	√

The meeting of the Cape Cod Commission was called to order on Thursday, January 5, 2012 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said Commission staff has been working on the regional wastewater management plan. He said he met with the Cape Cod Chamber of Commerce yesterday and said they are asking for a progress report and update on wastewater initiatives so the Commission continues to work on that. Mr. Niedzwiecki said the agenda for the next two upcoming Commission meetings will be aggressive.

■ MINUTES

The minutes of the December 1, 2011 Commission meeting were reviewed. Len Short moved to approve the minutes. Lynne Pleffner seconded the motion. The motion passed with one abstention.

■ NOTIFICATION OF WITHDRAWAL OF MP RENAISSANCE LLC, BREWSTER

Andrea Adams, senior regulatory planner at the Commission, said the MP Renaissance project in Brewster was referred to the Cape Cod Commission as a Development of Regional Impact for a proposed large assisted living facility. She said the Commission received a letter from Attorney Andrew Singer on December 29, 2011 requesting that the project be withdrawn from Commission review at this time. She said the letter indicated that the applicant has designed a new, reduced-scope proposal and will be filing the new plans and application shortly. Ms. Adams said the Brewster Planning Board has informed the Commission that the applicant also sent a letter to the Brewster Planning Board requesting that the project be withdrawn at the local level. She said the town considers the project withdrawn.

Jessica Wielgus, Commission Counsel, reminded members that the regulations required them to approve the withdrawal.

Austin Knight moved to approve the withdrawal of the MP Renaissance project from Commission review. Lynne Pleffner seconded the motion. The motion passed with a unanimous vote.

■ CAPE COD COMMERCIAL LINEN SERVICE RELOCATION

Chair Peter Graham noted that this is a continued hearing from December 19, 2011.

Jessica Rempel, regulatory officer at the Commission, said the subcommittee just convened prior to this hearing to deliberate on amendments to the draft written decision. She said these changes were included in Commission member packets today as red-line changes that consist of amendments to General Finding #9 and General Condition #5. She said the decision has also been amended to include a testimony section regarding the meeting the subcommittee just held today. Ms. Rempel said the proposed project is a Change of Use/Redevelopment at 880 Attucks Lane in Hyannis. She said the site is a developed 1.86-acre parcel of land with a 27,000 square foot industrial building and parking and is the former site of FW Webb, a wholesale supplier of refrigeration and plumbing supplies. She said the applicant proposes to relocate its two facilities and consolidate its operations at this location. She said no additions or alterations are proposed except for new signage and minor changes to the existing loading docks. She said the applicant proposes to install a new natural gas generator and solar panels, proposes to remove existing debris and 2,764 square feet of existing pavement, and proposes two new bio-infiltration rain gardens and landscaping. She explained the Commission's jurisdiction and provided a procedural history for the project. She said pursuant to Section 5 of the Commission's Enabling Regulations for any project that is a Development of Regional Impact (DRI), the proponent may apply to the Commission to limit the scope of DRI review. She said on December 19, 2011 the subcommittee found that the scope of project review could be limited to the Water Resources section of

the Regional Policy Plan (RPP). Ms. Rempel said the site is in a Wellhead Protection Area and is located approximately 1.4 miles upgradient of a cluster of three public water supply wells and is also within a Marine Water Recharge Area for Lewis Bay. She explained the subcommittee's findings and conditions for water resources relative to nitrogen loading, stormwater management, landscape management, and hazardous materials/waste. She said regarding energy the applicant will be installing new, energy efficient equipment that use less water and gas resulting in energy savings and the applicant is working with the Textile Rental Services Association of America toward "green laundry" certification. She said the subcommittee adopted the written testimony of Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, and found that the proposed development is consistent with the Local Comprehensive Plan, is consistent with municipal development bylaws, and the Barnstable Town-wide District of Critical Planning Concern (DCPC) does not apply to the project. She said the subcommittee found that, with appropriate conditions, the proposed development is consistent with the RPP. Ms. Rempel said probable benefits recommended by the subcommittee include consolidation of services, the local ownership of the business, the use of energy efficient equipment and the resulting energy and water savings, a reduction in nitrogen loading and the implementation of several plans that were not in existence at the site before. She said the subcommittee recommends that the probable benefit from the proposed development is greater than the probable detriment and recommends approval of the project as a Limited DRI with conditions.

Eliza Cox, attorney with the firm Nutter, McClennen & Fish, said the Cape Cod Commercial Linen Service has been in existence since 1985 and is a family-owned business. She said the family will be investing a substantial amount of money in the relocation of the business. She said to highlight some of the benefits the project is in the right location for this use, the area is mapped as an industrial/trade area and it's consistent with the town's Strategic Land Use Vision Map. She said the project is in a Zone II so there would be no hazardous materials. She said regarding energy the applicant is spending over $2 million on energy equipment and will be the first "green certified" laundry on Cape Cod. Attorney Cox thanked Commission staff, Jessica Rempel and Kristy Senatori, and the subcommittee for their work on the project. She said the applicant has a tight time frame and hopes to be in place before the summer months.

Elizabeth Taylor congratulated the applicant for being the first certified "green laundry" on Cape Cod. She also complimented the applicant for proposing solar panels.

Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable and DRI Liaison, said the town supports the project. She said the project complies with the town's land use policies. She said the applicants have been delightful to work with.

Attorney Eliza Cox asked for the Commission's approval of the decision as presented.

Elizabeth Taylor moved to close the hearing and the record. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Jack McCormack said as Commission members serving on subcommittees and determining project benefits this project reached a new high with benefits and said it's a wonderful project.

Chair Peter Graham moved to approve the proposed Change of Use/Redevelopment of Cape Cod Commercial Linen Service, Inc. as a Limited DRI with conditions and to approve the draft written decision, as amended. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

■ PROCEDURAL ONLY: NEW GENERATION WIND

Elizabeth Taylor read the hearing notice and opened the hearing at 3:30 p.m.

Kristy Senatori, chief regulatory officer at the Commission, said today's hearing is for procedural purposes only. She said she is here today acting as a hearing officer to continue the hearing to February 2, 2012 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chamber. She said no further action is required by the Commission today.

■ REQUEST FOR EXTENSION BY THE TOWN OF BARNSTABLE FOR BARNSTABLE MUNICIPAL AIRPORT WORK

Jessica Wielgus, Commission counsel, said the Town of Barnstable was before the Commission on December 15, 2011 with an Emergency Work Determination for the Barnstable Municipal Airport. She said the Commission's Enabling Regulations require that emergencies that will extend beyond 30 days get written Commission approval. She said the Commission received a letter from Thomas Lynch, the Acting Barnstable Town Manager, requesting such an extension. She said in the letter the contractor performing the asbestos remediation and terminal demolition of the old terminal building has indicated that a greater quantity of asbestos has been encountered than was previously estimated. She said the contractor has indicated that it is unlikely that the work authorized by the Emergency Work Determination can be completed by January 9, 2012. She said for that reason the town is asking for a 30-day extension and the Commission is being asked to consider an extension.

Bruce Gilmore, Attorney for the Barnstable Municipal Airport Commission, said the use of asbestos in the installation was greater than anticipated. He said the contractor determined it would take longer to complete the demolition and said the contractor's best estimate for completion is January 24 but the town is asking for a 60-day extension should more time be needed to complete the work at the Airport.

Michael Blanton moved that the Commission authorize the Chair to sign a letter to the Town of Barnstable granting approval to continue emergency work as outlined in their January 3, 2012 request. Elizabeth Taylor seconded the motion.

Austin Knight said the town is asking for a 60-day extension and questioned whether that should be noted in the motion.

Jessica Wielgus said it doesn't need to be in the motion and said we just need written authorization.

A vote called on the motion passed with a unanimous vote.

A motion was made to adjourn at 3:35 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary

LIST OF DOCUMENTS PRESENTED AT THE JANUARY 5, 2012 COMMISSION MEETING

- Handout material: January 5, 2012 meeting agenda.
- Handout material: Cape Cod Commercial Linen Service Relocation project draft written decision.
- PowerPoint slide presentation on the Cape Cod Commercial Linen Service Relocation project prepared by the CCC.