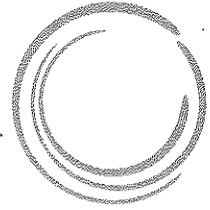


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

January 6, 2011

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	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Peter Monger	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	Absent
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
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 6, 2011 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

Paul Niedzwiecki thanked Commission members who attended the Commission's holiday party. He said the Commission met with the County Commissioners regarding the budget and said the budget will now move on to the Assembly of Delegates. He said the IBM Smart Workshop would be held on January 26 and 27 and he would report back to Commission members after that. Mr. Niedzwiecki said the Ocean Management Planning (OMP) District of Critical Planning Concern process continues. He said the technical report is ready in draft form and will be sent out. He said the Policy Committee is ready to meet. He said the Commission's joint Planning and Regulatory Committees met last week to discuss land-based wind standards. He said hopefully those standards would be before the full Commission in a few weeks.

■ MINUTES

The minutes of the December 2, 2010 Commission meeting were reviewed. Jack McCormack moved to approve the minutes. Elizabeth Taylor seconded the motion. The motion passed with five abstentions.

■ SIMPKINS SCHOOL REDEVELOPMENT PROJECT—SIMPKINS RESIDENCES

Peter Graham read the hearing notice and opened the hearing at 3:10 p.m.

The subcommittee reviewed the minutes of the December 20, 2010 subcommittee meeting. Austin Knight moved to approve the minutes of December 20, 2010. Michael Blanton seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Andrea Adams, senior regulatory planner at the Commission, using PowerPoint slides, described the project as an existing 41,834 square foot 1930s school building on a 4.1-acre parcel at 134 Old Main Street in South Yarmouth. She said the structure consists of a three-story brick building with two-story wood frame buildings at each end. She said the site is Town-owned and is a National Register site located within the South Yarmouth/Bass River National Register Historic District. She said the project involves interior renovation of the existing building that will include the addition of 39,366 square feet (in a 14,000 square foot footprint) that will result in an 81,200 square foot building and creates 65 senior rental apartments. The project will also add new parking spaces on the north side of the property, upgrade the site drainage and install a new on-site septic system. She said the applicant has also agreed to provide a new parking area for Town ball fields. Ms. Adams provided a procedural history on the project and said the applicant filed an application for a DRI Hardship Exemption as a Project of Community Benefit (POCB) on August 27, 2010, public hearings were held, and the subcommittee voted on December 20, 2010 to recommend Commission approval of the project with conditions. She said the project was reviewed subject to the 2009 Regional Policy Plan (RPP), as amended in May 2010. She outlined the subcommittee's analysis of resource areas and explained Conditions and Findings in the draft decision regarding land use; economic development; water resources; wetlands, wildlife and plant habitat; open space and recreation; transportation; waste management; energy; and community character. She said the subcommittee found that the project qualifies as a POCB, determined there was specific difficulty in compliance with Minimum Performance Standards, and determined that relief may be granted as the applicant has demonstrated that a substantial financial hardship does exist. She said the subcommittee found that the project is consistent with the Commission Act and RPP, is consistent with Yarmouth's Local Comprehensive Plan, is consistent with development bylaws upon ZBA action, and the probable benefits outweigh probable detriments. Ms. Adams said the subcommittee recommended the full Commission vote to approve Simpkins School redevelopment for a Hardship Exemption as a Project of Community Benefit.

Elizabeth Taylor asked if housing would be 60% or 80% affordable.

Richard Hayden, Stratford Capital Group, said it would be 100% affordable. He said the Stratford Capital Group are experts in affordable housing. He said the 65 units would be 100% affordable and they have support from the Town of Yarmouth. He said the project would be supported through private funds and funds by the Department of Housing and Community Development (DHCD).

Elizabeth Taylor referred to AH4 and said DHCD doesn't always accept everything.

Richard Hayden said he is quite sure they will get 100%. He said DHCD has guidelines for the size of units. He said some unit sizes won't meet guidelines but that doesn't mean they won't be affordable. He said that happens with all their projects and he is quite sure the 65 units will count.

Michael Gardenier, ICON Architecture, said he has worked with Stratford Capital Group on many projects. Using PowerPoint slides he showed examples of previous projects by Stratford Capital and showed plans of the proposed development.

Peter Graham asked if the buildings would be wired for internet service, etc.

Michael Gardenier said all units would have wiring to accommodate that type of service.

Peter Monger asked if any outdoor recreational areas were in the plan.

Michael Gardenier said there would be a grassed courtyard area for tenants.

Richard Hayden said if tenants want an exercise room it would go in the second community room.

Elizabeth Taylor asked if there was a community garden area.

Richard Hayden said they would have raised garden areas three feet off the ground.

Joy Brookshire said it's a wonderful use for an old school and said it's good that the Town has a purpose for it. She said she is impressed with the size of the units and she applauds the design.

Donald Rose, Site Design Engineer, described the addition to the existing building and said they are proposing 98 parking spaces. He described the septic system and said it would have a collection system with a pump station and said the system would reduce nitrogen loading. He described proposed landscaping and said landscaping would be minimal.

Robert Lawton, town administrator, said the town has been working on this project for a number of years. He said the town believes it's a strong project of community benefit. He urged the Commission to approve the project.

Peter Cooper, resident at 122 Old Main Street, asked what type of activities would take place in the wastewater treatment building and if the building would produce odors.

Donald Rose, said it would house blowers to provide air for treatment. He said the building would also store chemicals. He said the building would have an odor reduction system so there would be no odors. He said he would not want tenants or abutters to be impacted by odors.

Ernest Virgilio moved to close the hearing and the record. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Jack McCormack said this is a win-win situation for the Town.

Ernest Virgilio thanked Commission staff, as well as the applicant, for helping the subcommittee through the process.

Michael Blanton said working with the applicant has been inspiring. He said the project preserves community character and said it's a real benefit for the Town and the Cape.

Richard Hayden said the top of the building had a cupola that had an osprey nest. He said he is planning on approaching the individual who has the cupola and said he would re-install with cupola with permission. He said he would be glad to build a platform for nesting osprey.

Jack McCormack moved to approve the Simpkins School redevelopment project for a Hardship Exemption as a Project of Community Benefit. Michael Blanton seconded the motion. The motion passed with a unanimous vote.

Jack McCormack moved to approve the Simpkins School Hardship Exemption Project of Community Benefit decision as presented. Ernest Virgilio seconded the motion. The motion passed with a unanimous vote.

■ FALMOUTH ICE ARENA

Michael Blanton read the hearing notice and opened the hearing at 4:10 p.m.

Austin Knight left the meeting at 4:10 p.m.

Kristy Senatori, chief regulatory officer at the Commission, using PowerPoint slides, said the existing site for this redevelopment project is located at Lot 10 Technology Park Drive at the intersection of Thomas B. Landers Road in Falmouth. She said the site is vacant and is mainly cleared of vegetation and are existing disturbed areas. She said the Falmouth Youth Hockey League is proposing to redevelop the site and construct a new ice arena with a total overall floor area of approximately 56,000 square feet. She said the arena is proposed with a full size ice surface that will meet National Hockey League standards and a half size ice surface to be used for figure skating, recreational skating, and hockey schools. The arena is also proposed to have eight dressing rooms, including male and female designated high school varsity hockey team dressing rooms, male and female coach rooms and referee rooms, a Falmouth Figure Skating Room, an office, a skate shop and pro shop, concession area, seating/waiting areas, a learning center, mechanical and electrical rooms, staff offices, and an employee room. She said the project is estimated to cost \$5.5 million. She said Falmouth Youth Hockey is a non-profit organization and the entire project is being funded by private donations and grants. Ms. Senatori provided a procedural history on the project and said the application before the Commission is for a Hardship Exemption/Limited DRI review. She said on December 15, 2010 the subcommittee approved the draft decision. She explained the standards of review for a Hardship Exemption and a Limited DRI and said the subcommittee limited DRI review to issue areas of economic development, natural resources/open space, water resources, waste management, energy, transportation, and affordable housing. She reviewed edits made to the draft decision, the subcommittees' findings regarding the above-mentioned issue areas, and explained those areas where relief was granted. She said the subcommittee found that the applicant has demonstrated that a financial or other hardship exists. She said the subcommittee found that the project is consistent with the Regional Policy Plan, is consistent with Falmouth's Local Comprehensive Plan, is consistent with local development bylaws/local zoning, it's not located in a District of Critical Planning Concern and the probable benefits outweigh probable detriments. Ms. Senatori said the subcommittee unanimously approved the draft decision and recommends approval by the full Commission.

Mario DiGregorio said the Falmouth Ice Arena's present location is legendary in the summer for gridlock so it's great to relocate the arena to the industrial area. He inquired about the conditions that Natural Heritage placed on the project.

Kristy Senatori said that is addressed in conditions in the draft decision. She read aloud Conditions NR1, NR2, and NR3.

Paul Moore, President of Falmouth Youth Hockey League, thanked Commission staff. He said Falmouth Youth Hockey League is a non-profit organization and going through Commission review has been a positive experience. He said the significance of the Hardship Exemption is because ice rates are one of the lowest in the state. He said the organization was started as a labor of love and they have kept the rates cheap and affordable for youth to use. He said they need to raise money to pay for the project and they will do it and for that reason the hardship is important. He said the project is a community benefit and keeps it affordable to kids.

Laura Moynihan, Board Member of Falmouth Youth Hockey League, thanked the subcommittee for their work. She highlighted the energy use for the new ice arena and the waste heat recovery system. She said the facility will have one and a half sheets of ice and said right now the arena has just one sheet. She said this has an impact on who can play there and the new arena will provide more opportunities for ice time and it will have better amenities within it. She said they have been looking for a new site for the ice arena for many years and this site is a better location and is ready to be built. She said the Falmouth Selectmen have unanimously supported their project and she asked for Commission support as well.

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

Paul Niedzwiecki, said as a former youth hockey player himself, he would be remiss to not mention how important these programs are. He said the Falmouth Youth Hockey League is a great organization and he supports their project.

Ernest Virgilio said this is a good project for a Hardship Exemption as a project of community benefit.

Jack MacCormack commended the Falmouth Youth Hockey League for this type of project. He said it's a tremendous benefit for an association like this to own their own rink.

Michael Blanton said it's a wonderful community benefit.

Joy Brookshire said all the accolades are great and shows that this project has regional benefit. She asked if traffic would be increased and said the Steamship Authority parking lot is nearby. She also inquired about a bike path.

Glenn Cannon, transportation engineer at the Commission, said the Steamship Authority is not part of this project so the Commission doesn't have purview to review that. He said traffic would be increased but the Commission encourages redevelopment so credit is always given for that. He said the only discrepancies would be between big events and daily trips but the Commission doesn't calculate big events just daily trips. He said with a bike path versus a bike route, a bike path would be expensive to take on whereas a bike route is on the road and the applicant has no control over that. Mr. Cannon said he was very comfortable with the draft decision before the Commission.

Mario DiGregorio moved to approve the Falmouth Youth Hockey League Limited DRI approval decision, as amended, for the construction of a new ice arena at Lot 10 Technology Park Drive in Falmouth. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

A motion was made to adjourn at 5:00 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Michael Blanton, Secretary

LIST OF DOCUMENTS PRESENTED AT THE JANUARY 6, 2011 COMMISSION MEETING

- PowerPoint slide presentation on the Simpkins School Redevelopment—Simpkins Residences project prepared by the Cape Cod Commission.
- PowerPoint slide presentation on the Falmouth Ice Arena project prepared by the Cape Cod Commission.
- Handout material: January 6, 2011 meeting agenda.
- Handout material: Draft Decision for the Simpkins School Redevelopment—Simpkins Residences project.
- Handout material: Draft Decision for the Falmouth Ice Arena project.