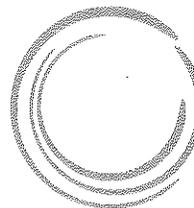


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CAPE COD  
COMMISSION

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**Minutes**  
**Meeting of**  
**Cape Cod Commission**

March 3, 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	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Lynne Pleffner	✓
Dennis	Richard Roy	Absent
Eastham	Joy Brookshire	✓
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Peter Monger	✓
Provincetown	Austin Knight	Absent
Sandwich	Joanne O'Keefe	Absent
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	Absent
County Commissioner	Mary Pat Flynn	✓
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, March 3, 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 said on Monday night he attended a forum on public and private partnerships sponsored by the Sandwich economic group in the new Sandwich Town Hall. He said on Tuesday he met with the State House Delegation and Open Cape, Inc. He said on Wednesday he met with the County Commissioners to discuss the NSTAR issue and said NSTAR is extending the year-long moratorium. He said the extended moratorium will give the County more time to complete work on this. He said this is a significant accomplishment for the Cape and said the Commission will be working with the County Commissioners on that. Mr. Niedzwiecki said he has begun making calls to setup meetings with Boards of Selectmen. He said the Assembly of Delegates subcommittee voted to approve Chapter A Enabling Regulations Fee Schedule and said it would be before the full Assembly on March 16, 2011.

### ■ RED JACKET RESORTS DEVELOPMENT AGREEMENT

Chair Roy Richardson noted that this is a continued hearing from February 3, 2011.

Kristy Senatori, chief regulatory officer at the Commission, using PowerPoint slides gave a brief overview of the project. She said Red Jacket Resorts and The Davenport Companies submitted a Development Agreement (DA) application to the Cape Cod Commission for the redevelopment of existing hotels along South Shore Drive in South Yarmouth. She said the DA is a two-party agreement between the Applicant and the Cape Cod Commission. She said the Town of Yarmouth has provided much input and will review the project locally, but is not a participating party to the agreement. She described the existing setting as 15.5 acres of land with four resorts currently on-site—Red Jacket Beach, Blue Water, Edge of the Sea, and Riviera Beach—it's in an Economic Center on the Land Use Vision Map, and is in the Hotel/Motel Overlay District 2 Zoning District. Ms. Senatori described the project as redevelopment into two modern resorts—the Red Jacket Beach Resort at 1 South Shore Drive and the Blue Water Resort at 291, 301, 327 South Shore Drive—and explained the proposed construction at each resort. She said the project is governed by the Commission's Chapter D Development Agreement Regulations and on August 20, 2009 the full Commission considered the Applicant's Notice of Intent to file a DA and found that the proposed project was suitable and qualified to proceed for consideration as a DA. She provided a procedural overview of the project and said at a public meeting held earlier today the subcommittee unanimously recommended that the full Commission authorize the DA. She said, also at that meeting, DeWitt Davenport on behalf of the Applicant signed the draft DA indicating his agreement to enter into the contract. Ms. Senatori said information provided by the Town of Yarmouth indicates the proposed project is consistent with local zoning bylaws and with the goals of the Local Comprehensive Plan. She reviewed the subcommittee's analysis of the project in the draft DA and said the subcommittee found that with appropriate relief granted and appropriate conditions that the project is consistent with the Cape Cod Commission Act and the Regional Policy Plan. Ms. Senatori explained the standards of review and approval and the public benefits and improvements for the project. She said Section 7 of the DA regulations allows the agreement to be valid up to 12 years and specifies that a DA may be adopted for longer than 12 years upon a two-thirds vote of the Commission members present. She said the Applicant requested a 20-year agreement with the Commission due to the unknown timeframe for construction and securing financing for the project. She said the subcommittee unanimously recommended that the full Commission grant the request for the 20-year agreement. She said the project was reviewed pursuant to the 2009 Regional Policy Plan, as amended, and she then provided a brief synopsis of the subcommittee's analysis and issue areas regarding land use, economic development, water resources, coastal resources, natural resources, transportation, waste management, energy, affordable housing,

and community character. Ms. Senatori said today the Commission will be asked to vote on the length of the agreement—the request for a 20-year agreement which requires a two-thirds vote of members present—and a vote to authorize the DA. She said the subcommittee unanimously recommended that the full Commission authorize the DA.

John Harris inquired about the 70% reduction in wastewater discharge and asked what it was before.

Kristy Senatori said the 70% reduction in wastewater effluent nitrogen strength went from 35 to 10 ppm-N.

DeWitt Davenport, managing partner of the Red Jacket Resorts, thanked Ms. Senatori for her work on the project. He also thanked the subcommittee and the Commission for their time. Mr. DeWitt introduced Paul Rumul and said he is providing a PowerPoint presentation on the redevelopment plans.

Paul Rumul, Chief Operating Officer, provided a history of the South Shore Drive redevelopment plans and said the goal is to design a modern resort hotel with equal amount of rooms, restaurant, conference room, and indoor and outdoor pools to accommodate travelers and their families. He said their goal is to meet the needs of today's family vacationers. He said the project would provide a significant sum of money to the town in real estate tax revenue and will provide employment for around 300 employees. He said the project would stabilize and increase tax revenue for the town and if the project doesn't go forward, all of that would decline. He said the process with the Town of Yarmouth has been great and they are into their fourth year of working on this with the town. He said it has been a tremendous cooperative effort with the town and they have received great feedback from many municipal boards, the Yarmouth Chamber of Commerce and various other committees. Mr. Rumul described features in the proposed site plan and landscape plan for Concept A and Concept B. He said the community character portion of the plan involved everyone in the room at the same time with a lot of good input along the way. He said the idea is to combine all three properties into one and said this project is an example of the type of redevelopment use in the Yarmouth Land Use Vision Map and the Regional Policy Plan.

DeWitt Davenport said they have been tough customers to deal with and he thanked Commission staff. He said there were some bumps in the road but all with good intentions. He said they tried to cover all the bases.

Suzanne McAuliffe, Yarmouth Board of Selectmen, said all five members were in attendance at subcommittee meetings. She thanked Commission staff and subcommittee members for their efforts and said everyone has been considerate and kind. She said it has been a positive outcome working with the Commission. She said the project is key to development in the Town of Yarmouth. She said it provides an ongoing revenue aspect as well as economic development in the town and the project has demonstrated it's doable. She said she is grateful for the affordable housing issue and said the applicant has gone out of their way to accommodate affordable housing. She said she can't say enough about the Davenports in the town and said they have given much to the town. She said it's nice to have an outstanding business and resident in the Town of Yarmouth.

Peter Smith, Chair of the Yarmouth Economic Development Council, said he supports the efforts in redeveloping the resorts. He said this is the biggest redevelopment project the Town of Yarmouth has ever had.

Nanette Davison, Yarmouth Chamber of Commerce, read a letter in support of the project and discussed the core of Yarmouth's redevelopment strategy. She said the community is excited about the Red Jacket Resorts and the resorts would employ dozens of their neighbors. She said they are signature

resorts that will allow Yarmouth to be competitive with other resorts. She encouraged the Commission to approve and adopt the Development Agreement.

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

Peter Graham moved that the Commission adopt the 20-year timeframe for the Red Jacket Resorts Development Agreement. Elizabeth Taylor seconded the motion. A vote called on the motion by all members present passed with a unanimous vote.

Peter Graham moved to authorize the Development Agreement with The Davenport Companies and the Cape Cod Commission for the proposed Red Jacket Resorts redevelopment on South Shore Drive in South Yarmouth. Elizabeth Taylor seconded the motion. A vote called on the motion by all members present passed with a unanimous vote.

#### ■ REGIONAL TRANSPORTATION PLAN

Glenn Cannon, Technical Services Director at the Commission, said the Regional Transportation Plan that was scheduled to be presented at today's meeting will be scheduled for a future Commission meeting.

#### ■ UPDATE ON BIKE PLANNING FOR CAPE COD

Glenn Cannon, using PowerPoint slides, provided an overview of recent/ongoing projects regarding the Cape Cod Bike Plan, regional connections, National Seashore "Top 40" projects, Yarmouth Road Corridor Study, Harwich Bike Plan, Sandwich: Canal to Downtown Connection, and bike route planning. He described existing and proposed conditions, multi-use path planning, and coordination with neighboring Regional Planning Agencies. He said the primary goals of the National Seashore "Top 40" projects are to integrate regional planning and the regional bicycle network with Cape Cod bicycle facilities and the Cape Cod National Seashore attractions; to identify projects to improve Cape Cod bicycle facilities and facilitate integration with the regional bicycle trail network; and to identify projects that would improve bicycle access to and within the Cape Cod National Seashore. Mr. Cannon noted that Cape Cod Bike Week is May 14-20, 2011 and Cape Cod Smart Transportation Week will take place in June, 2011. Mr. Cannon entertained questions from Commission members.

Mary Pat Flynn referred to the map showing the Sandwich area and asked where the Golden Triangle was located.

Glenn Cannon said the Golden Triangle is more south than what is on the map.

Ernest Virgilio said now that the Bass River Railroad Bridge is gone is there a plan for that area.

Glenn Cannon said there are no plans for that area at this time. He said the only plan right now is connection by extending the Cape Cod Rail Trail. He said any option would be on the table and would be looked at. He said the Commission always listens to the community.

Ernest Virgilio inquired about rules on a high-speed path.

Glenn Cannon said bicyclists are motorists and need to follow the rules of the road.

Joy Brookshire asked if any thought had been given to widening bike paths as more and more people are using the paths.

Glenn Cannon said they haven't had those discussions yet but they will need to look at that.

Peter Monger said there has been a local movement in Orleans and asked Mr. Cannon if he was aware of that.

Glenn Cannon said he was not and said the Commission is looking more on a regional level.

Elizabeth Taylor inquired about the state in regard to planning on Route 6A and said there needs to be more continuity all the way on Route 6A.

Glenn Cannon said as far as the state effort, the Commission tries to encourage the state to look at Route 6A more globally. He said the Commission hasn't been able to convince the state to buy into that. He said what the Commission is looking at right now are bike paths and how to accommodate families on bike paths off Route 6A.

Elizabeth Taylor said once people leave the bike path to visit a business or residence they then segue onto Route 6A and stay on Route 6A so that should be looked at.

#### ■ NOTIFICATION OF WITHDRAWAL OF NEW GENERATION WIND JOINT VENTURE

Page Czepiga, regulatory officer at the Commission, said the Commission received a withdrawal request for the New Generation Wind project. She said the proposed project consisted of the installation of six 2.5 MW wind turbines and one 2.0 MW wind turbine on 403.5 acres in the Town of Bourne. She said on March 1, 2011 the Commission received a letter from Attorney Diane Tillotson, representing the applicant, requesting withdrawal of the project from Commission review. Ms. Czepiga said on March 2, 2011 the Commission received an email from Ann Gratis, secretary of Bourne's Planning Board, confirming that the project has been withdrawn at the local level. She said staff is suggesting that appropriate documentation has been provided and recommends that the Commission vote to accept the withdrawal of the New Generation Wind project DRI application.

Ernest Virgilio moved that the Commission accept the withdrawal of the New Generation Wind project DRI application. Peter Graham seconded the motion. The motion passed with a unanimous vote.

#### ■ OTHER BUSINESS

Chair Roy Richardson asked members who are interested in serving on the nominating committee for the selection of new officers to contact Gail Hanley.

Roger Putnam suggested that materials be sent to members on a disc to save on paper.

Paul Niedzwiecki said Davenport is a significant redevelopment Development Agreement for the Town of Yarmouth. He thanked the subcommittee, staff and Ms. Senatori for their efforts.

A motion was made to adjourn at 4:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Michael Blanton, Secretary

## **LIST OF DOCUMENTS PRESENTED AT THE MARCH 3, 2011 COMMISSION MEETING**

- Handout material: March 3, 2011 meeting agenda.
- Handout material: Draft Red Jacket Resorts Development Agreement.
- PowerPoint slide presentation of the Red Jacket Resorts Development Agreement prepared by the Cape Cod Commission.
- PowerPoint slide presentation of the Red Jacket Resorts redevelopment plan prepared by Paul Rumul of the The Davenport Companies.
- PowerPoint slide presentation of CCC Bicycle/Pedestrian Planning prepared by the Cape Cod Commission.