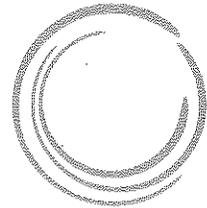


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

March 17, 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	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Peter Monger	✓
Provincetown	Austin Knight	Absent
Sandwich	Joanne O'Keefe	✓
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	✓
Governor's Appointee	Herb Olsen	✓



The meeting of the Cape Cod Commission was called to order on Thursday, March 17, 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

Patty Daley, Deputy Director, said she and Paul Niedzwiecki have begun scheduling the annual round of meetings with boards of selectmen and said nine have already been scheduled. She said the Commission's Executive Committee has been discussing a retreat for Commission members and said if any members would like to offer ideas on the retreat to please let staff know. She said the Commission met with the County Commissioners last week to discuss the four-point plan regarding pesticide use relative to NSTAR and said NSTAR has extended the one-year moratorium. She said the extended moratorium would provide the Commission time to secure funds to complete an inventory study throughout the Cape.

■ MINUTES

The minutes of the February 17, 2011 Commission meeting were reviewed. Peter Graham moved to approve the minutes of February 17, 2011. Joy Brookshire seconded the motion. The motion passed with a unanimous vote.

■ LABORATORY FOR OCEAN SENSORS AND OBSERVING SYSTEMS (LOSOS) BUILDING AT QUISSETT CAMPUS, WOODS HOLE OCEANOGRAPHIC INSTITUTION

Chair Roy Richardson noted that this is a continued hearing from February 22, 2011.

The subcommittee reviewed the minutes of the March 9, 2011 subcommittee meeting. Peter Graham moved to approve the minutes of March 9, 2011. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Elizabeth Enos, regulatory officer at the Commission, noted a redline revision to the Conclusion section in the Draft Decision as well as additional revisions to the Water Resources section. Ms. Enos referred to PowerPoint slides and said the project site is located at 360 Woods Hole Road on the Woods Hole Oceanographic Institution's Quissett Campus in Falmouth. She said the site is located within the existing Ring Road of the Quissett Campus on approximately 1.8 acres of undeveloped land. She said a WHOI Campus Core Redevelopment Development of Regional Impact (DRI) project was approved in February 2004 but the current proposed building was not considered as part of the 2004 decision. She said the applicant has proposed to develop a new building that will house the LOSOS building. She said the proposed building will have a total floor area of 26,600 square feet on a footprint of approximately 13,500 square feet and includes associated parking, drainage, and landscaping. She said WHOI has applied for and received funding from the National Institute of Standards and Technology, the LOSOS building will be an interdisciplinary center for scientists and engineers developing the next generation of sensors and supporting technology for ocean observation, and it will be the primary facility for such purposes in the U.S. Ms. Enos said the applicant plans to achieve LEED Silver and Gold certification. She said the applicant has applied for a DRI Hardship Exemption and Limited DRI review and she then provided a procedural history for the project. She explained the standards of review for a DRI Hardship Exemption pursuant to Section 23 of the Commission Act and said the subcommittee is recommending approval of the Hardship Exemption. Ms. Enos then provided an overview of the subcommittee's decision regarding issue areas for affordable housing; hazardous waste; solid waste, construction and demolition waste, and recyclables; energy; community character in regard to historic archaeology, building design, exterior lighting, and landscaping; natural resources and open space; transportation and safety; water resources; and economic development. Ms. Enos, said the subcommittee found the scope of DRI review to include community character in the area of landscaping, natural resources, transportation and congestion management, water resources, and economic development. She

said the project meets the standards in those areas with the suggested relief granted. She said the subcommittee found that a hardship does exist, financial and otherwise. She said the subcommittee suggests the Commission can grant relief from MPS WPH1.5, which prohibits new development within the 350-foot buffer to vernal pools, and MPS TR3.1, which requires Level of Service analysis at all site driveways. She said the suggested relief relates directly to the nature of the identified hardship and is the minimum relief necessary to address the hardship. She said written correspondence from Brian Currie, Falmouth Town Planner, states that the project is consistent with the town's Local Comprehensive Plan and local zoning and the project is not located in a District of Critical Planning Concern. She said the subcommittee found that the project is consistent with the Commission's Regional Policy Plan and recommends hardship relief be granted in the areas of natural resources and transportation and found that the probable benefits outweigh the probable detriments. She said the probable benefits of the proposed project include new taxpayers and revenue to the town, opportunities for new information and technology pursuant to the development, the local benefit of having this facility to research local waters, having a central location for scientists and engineers to work together and the resulting possibility of a reduction in traffic, and educational benefits associated with the facility. In conclusion, Ms. Enos said the subcommittee approved the project as a Limited DRI Hardship Exemption and is recommending that the full Commission approve the Draft Limited DRI Hardship Exemption Decision.

Joanne O'Keefe asked if the applicant also received approval from the Falmouth Historical Commission.

Attorney Paula Kelley, with the law firm Ament & Ament representing the applicant, said they did not get approval from the Falmouth Historical Commission as the proposed project is not located in a historic district zone and it's not a historic structure.

John Harris asked who would be doing the follow up with the water resources component.

Scott Michaud, hydrologist at the Commission, said he would be following up on that.

John Harris asked what type of work would be done at the new facility.

Larry Madin, Director of Research at WHOI, said the facility would have four functions: 1) to serve as Martha's Vineyard Coastal Observatory; 2) serve as a laboratory for environmental sample processors that would help with the early detection of red tide; 3) it would serve as an Ocean Observatory Initiative—a network of sensing stations that would provide global information on what's going on in the ocean; and 4) a laboratory for ocean bottom seismometers that would provide early detection for earthquakes and tsunamis. He said the project would cost \$100,000,000 for development that would last 20-25 years. He said WHOI has received \$8,000,000 in grant funding and said WHOI would also be putting up money for the project. Mr. Madin said WHOI's LOSOS system is part of a larger ocean sensing effort supported by a grant from the National Science Foundation.

John Harris asked if the data would provide information that could be applied to remediation projects on Cape Cod.

Larry Madin said all the data would be available online, it would also be integrated with NOAA, and WHOI would become part of that network. He said the network would provide valuable information to individuals including harbormasters, fishermen and those involved in search and rescue operations. He said those individuals would have access to local data.

Elizabeth Taylor inquired about future expansion and asked if it would be contained within Ring Road and if a conservation restriction would be put on the land.

Attorney Patty Kelley said there are no future development plans at this time.

Ernie Charette, Director of Construction at WHOI, said they have no future development plans at this point. He said they do have other sites within Ring Road that were looked at when considering this project. He said those sites could potentially be developed but they have no plans at this time.

Elizabeth Taylor inquired about highly experienced technicians that would be brought in and asked if the applicant would be providing more housing to accommodate those individuals.

Ernie Charette said they have existing facilities available for student housing. He said housing was developed on Quissett Campus and there are no plans to add additional housing.

Elizabeth Taylor questioned whether the technicians would need affordable housing.

Ernie Charette said they are highly paid technicians that likely won't need affordable housing.

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

Peter Graham moved that the Commission approve the Limited DRI Hardship Exemption Draft Decision, as amended, for the Woods Hole Oceanographic Institution's Laboratory for Ocean Sensors and Observing Systems. Michael Blanton seconded the motion. A vote called on the motion passed with a unanimous vote.

■ OTHER BUSINESS

NOTIFICATION OF WITHDRAWAL OF CAPE COD COOPERATIVE BANK

Kristy Senatori, chief regulatory officer at the Commission, said the Cape Cod Cooperative Bank Preliminary Subdivision Plan was referred to the Commission as a DRI in 2010. She said, as yet, the Commission has not received a complete application for the project therefore a substantive hearing has not been held. She said the Commission received a request from the applicant to withdraw the project from Commission review as a DRI. She said Thomas Fudala, Mashpee Town Planner, has confirmed the applicant's request to withdraw the project from the local level as well. She said staff recommends that the Commission vote to accept the withdrawal of the Cape Cod Cooperative Bank Preliminary Subdivision Plan DRI application.

John Harris moved to accept the withdrawal of the Cape Cod Cooperative Bank DRI application. Elizabeth Taylor seconded the motion. The motion passed with unanimous vote.

A motion was made to adjourn at 3:45 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Michael Blanton, Secretary

LIST OF DOCUMENTS PRESENTED AT THE MARCH 17, 2011 COMMISSION MEETING

- Handout material: March 17, 2011 meeting agenda.
- Handout material: Draft Decision for the WHOI LOSOS Building at Quissett Campus.
- PowerPoint slide presentation of the WHOI LOSOS Building at Quissett Campus prepared by the Cape Cod Commission.