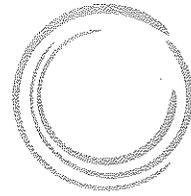


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CAPE COD
COMMISSION

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Minutes

Meeting of Cape Cod Commission

March 18, 2010

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	Vacant	Vacant
Eastham	Joy Brookshire	✓
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	Absent
Orleans	Peter Monger	✓
Provincetown	Austin Knight	✓
Sandwich	Sue Pommrehn	✓
Truro	Peter Graham	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	Absent
County Commissioner	Sheila Lyons	✓
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	Absent

The meeting of the Cape Cod Commission was called to order on Thursday, March 18, 2010 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

Chair John Harris acknowledged Brad Crowell, the former Dennis Representative to the Cape Cod Commission. He said Mr. Crowell had been extensively involved in many different committees during his tenure at the Commission and said he shepherded the Commission through the 21st Century Task Force making it more meaningful. Mr. Harris thanked Mr. Crowell for his contributions and service as the Dennis representative. Mr. Harris presented Mr. Crowell with a Certificate of Service and said it has been a tremendous pleasure serving with Mr. Crowell.

Brad Crowell said he joined the Commission in 2002 and said the Commission serves a very important role. He said the staff has been superb and they have set a very high standard in their expertise and professionalism. He said he has enjoyed working with the staff and Commission members and he is grateful for the opportunity to have served as the Dennis representative.

■ MINUTES

The minutes of the February 18, 2010 Commission training session were reviewed. Joy Brookshire moved to approve the minutes. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

The minutes of the February 18, 2010 Commission meeting were reviewed. Roy Richardson moved to approve the minutes. Joy Brookshire seconded the motion. The motion passed with a unanimous vote.

■ WINDRIFT ACRES, BREWSTER PROCEDURAL DENIAL

Elizabeth Taylor read the hearing notice and opened the hearing at 3:20 p.m.

Marianna Sarkisyan, regulatory officer at the Commission, noted a revision to the draft decision on page three and said the revision included testimony received at the March 15, 2010 Regulatory Committee meeting. She said the project is a 22-lot residential subdivision on 55 acres of land in West Brewster, off of Windrift Lane. She said on September 28, 2009 the Brewster Planning Board referred the project to the Commission as a mandatory Development of Regional Impact (DRI). She said the project was referred under Section 3c of the DRI Enabling Regulations as a development that proposes to divide parcels of land containing 30 acres or more held in common ownership on or after September 30, 1994. Ms. Sarkisyan said a hearing officer opened the 60-day period on November 24, 2009 and a hearing officer closed the 90-day hearing period on February 19, 2010. She said a substantive public hearing was never scheduled for the project as the Commission never received a complete application from the applicant. She said on January 28, 2010 the applicant was advised that he could either withdraw the project from Commission review or the project would have to be procedurally denied without prejudice. Ms. Sarkisyan said on February 5th the applicant's attorney informed the Commission that he would be seeking a procedural denial without prejudice for the project. She said the applicant's attorney addressed the Regulatory Committee on March 15th and reiterated that he was seeking a procedural denial without prejudice for the project. She said at that meeting the Regulatory Committee voted unanimously to recommend that the full Commission issue a procedural denial without prejudice for the project.

Attorney John Idman, of Singer & Singer representing the applicant, said the project is a 55-acre residential subdivision; a 22 cluster lot subdivision fronting on Slough Road in Brewster. He said the project was a mandatory referral in September 2009 and he said at that time they did not have a definitive plan. He said at the time the project was referred the Town of Brewster was interested in purchasing the land. He said the project is located in a Zone II and makes up a large piece of the land. Attorney Idman said that was the reason why the applicant, Peter Copelas, did not submit a complete application or a fee. He said Mr. Copelas is negotiating with the town and has gone through somewhat of a complex appraisal. Attorney Idman said there is no time left during the Commission's 90-day hearing period to submit an application. Attorney Idman said he and Mr. Copelas would continue working with the town. He said they plan to file a definitive plan to the town and said that plan

would be coming back to the Commission for review. He said this is an important piece of land to the towns of Brewster and Dennis. He said for this reason the applicant is requesting a procedural denial without prejudice.

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

Austin Knight moved that the Commission approve the procedural denial (without prejudice) of the Windrift Acres project in Brewster. Michael Blanton seconded the motion. A vote called on the motion passed with a unanimous vote.

■ **DRAFT MEMORANDUM OF AGREEMENT FOR WISE LIVING AT WOODS HOLE**

Kristy Senatori, chief regulatory officer at the Commission, said on November 13, 2008 the Commission approved a Limited Development of Regional Impact (DRI) for Wise Living at Woods Hole. She said the approved project consists of demolition of the existing motel, known as the Nautilus Motor Inn, and construction of a 43-unit independent senior living facility. She said the project also includes the rehabilitation of the geodesic dome which was designed by R. Buckminster Fuller. She said the dome has been determined to be eligible for listing on the National Register of Historic Places. Ms. Senatori said a condition of the DRI decision requires the applicant to implement the 14-point concept plan developed for the preservation and rehabilitation of the dome by their architect, Deacon Marvel. She said another condition of the decision requires the applicant to complete the consultation process and sign a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission and said this condition did not specifically require or authorize the Commission to be a party to this Agreement. She said the Commission is in receipt of a request from the Massachusetts Historical Commission for comments to the draft MOA. She said the draft includes as parties to the agreement the applicant, Massachusetts Historical Commission, the Falmouth Historic District Commission, Massachusetts Highway Department and the Cape Cod Commission. She said Commission staff suggests it is appropriate for the Commission to be a party to this Agreement and suggests that the full Commission vote today to authorize the Commission to be a party and authorize the Chair to sign the Agreement. Ms. Senatori said Sarah Korjeff, the Commission's historic preservation specialist, who worked on the project and is very familiar with the dome restoration and preservation proposal is also available to answer questions.

Roy Richardson moved to authorize the Commission to be a party to the Memorandum of Agreement with the Massachusetts Historical Commission for the Wise Living at Woods Hole development and authorize the Chair of the Commission to sign such Agreement. Sheila Lyons seconded the motion. 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,

Elizabeth Taylor, Secretary