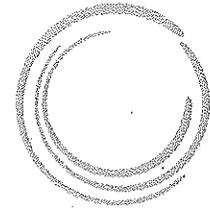


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CAPE COD  
COMMISSION

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

August 4, 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	Absent
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	✓
Truro	Peter Graham	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
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, August 4, 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 referred to the issue regarding NSTAR pesticide spraying and said several months ago the Commission came up with a four-point plan that included a map component. He said the map for drinking water supply protection has been completed. He said the second phase would involve monitoring water before the vegetation management plan begins. He said the third phase involves developing an aggregation study to quantify how much fertilizer is being used. He said the Commission is working with the Association to Protect Cape Cod and an AmeriCorps person to create a matrix. He said once the aggregation study is in play they would begin putting together a Citizens Advisory Committee to assist with educational outreach. Mr. Niedzwiecki said after an eight- to nine-month effort the Commission's new website will soon be ready for use. He thanked Nancy Hossfeld, communications coordinator at the Commission, for her work on the new website. He said he would notify Commission members when the Commission's new website is up and running.

#### ■ MINUTES

The minutes of the July 7, 2011 Commission meeting were reviewed. Austin Knight moved to approve the minutes. Elizabeth Taylor seconded the motion. The motion passed with one abstention.

#### ■ WINDRIFT ACRES SUBDIVISION

Elizabeth Taylor recused herself and said she would return to the meeting after the Windrift Acres Subdivision hearing.

Michael Blanton read the hearing notice and opened the hearing at 3:10 p.m.

The minutes of the July 21, 2011 subcommittee meeting were reviewed. Roger Putnam moved to approve the minutes. Jack McCormack seconded the motion.

Subcommittee member Joy Brookshire referred to a statement in the minutes where it references a comment she made. She said the statement in the minutes is harsh and she asked that it be deleted from the minutes as that was not her intent.

Roger Putnam moved to approve the minutes of July 21, 2011 as amended by Ms. Brookshire. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Andrea Adams, senior regulatory planner at the Commission, using PowerPoint slides described the project as the subdivision of 55.20 acres of vacant, wooded, residentially-zoned land into 20 single-family lots and two lots for open space in West Brewster. She said the project site is comprised of several parcels owned by Peter Copelas. She said the proposed new subdivision would be accessed by the creation of a new subdivision road, Windrift Lane, to be built off of Slough Road in West Brewster. She provided a procedural history for the project and said on June 15, 2011 the subcommittee determined the scope of a Limited Development of Regional Impact (DRI) review in issue areas for water resources, wildlife and plant habitat, open space, solid waste management, and affordable housing. She said those issue areas excluded from DRI review were land use, economic development, coastal resources, wetlands, transportation, hazardous waste management, energy, heritage preservation and community character. She explained the criteria for DRI approval, reviewed the subcommittee analysis for water resources, wildlife and plant habitat, open space, solid waste management and affordable housing and explained the findings and conditions in the draft decision. Ms. Adams said the subcommittee found that the project provides high quality naturally-vegetated open space within a Significant Natural Resource Area contiguous to existing protected open space that will be publicly accessible. She explained the findings for approval of a DRI and said the subcommittee

voted on June 15, 2011 to scope the project for a Limited DRI review, they voted on June 23, 2011 to recommend approval of the project to the full Commission with conditions and to direct staff to draft a written decision approving the project with conditions, met on July 21, 2011 to review and approve the draft written decision and voted to forward the draft decision to the full Commission. Ms. Adams noted corrections to Findings WRF2 and WRC3.

Attorney John Idman, representing the applicant Peter Copelas, thanked Commission staff for their effort of review and said Ms. Adams was very thorough in her presentation. He said the project is consistent with local bylaws, the Local Comprehensive Plan, and the project benefits outweigh the detriments. He said he sees the proposed public access in open space as a project benefit.

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

Joy Brookshire moved to approve the Windrift Acres subdivision project as a Limited DRI/DRI with conditions. Michael Blanton seconded the motion. The motion passed with a unanimous vote.

Jack McCormack thanked staff and the subcommittee. He said it was his first time chairing a subcommittee and the staff and subcommittee members were exemplary.

Joy Brookshire moved to approve the Limited DRI/DRI decision for the Windrift Acres Subdivision project as amended. Austin Knight seconded the motion. The motion passed with a unanimous vote.

Elizabeth Taylor returned to the Commission meeting.

#### ■ **COMMUNITY HEALTH CENTER OF CAPE COD, MASHPEE**

Chair Peter Graham noted that this is a continued hearing from June 28, 2011.

The subcommittee reviewed the minutes of the July 27, 2011 subcommittee meeting. Ernest Virgilio moved to approve the minutes. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Elizabeth Enos, regulatory officer at the Commission, said the Community Health Center of Cape Cod is before the Commission today as a Project of Community Benefit (POCB) Hardship Exemption (HDEX). She noted a letter in Commission member packets from the Mashpee Economic Development Industrial Corporation in support of the project. Using PowerPoint slides she described the existing setting as 4.65 acres of land that fronts on Falmouth Road/Route 28 to the west and Commercial Street to the east. She said the property is owned by the Town of Mashpee and was leased to the Mashpee Community Health Center. She said the existing structure on the property is a one-story 9,900 square foot building. She said the proposed project involves the construction of a two-story 22,200 square foot addition to the west side of the existing building, takes advantage of unique topography and the second floor of the addition will be accessed from the current building, it will be designed to achieve LEED certification, and the expansion will provide necessary space to enable the center to meet the increasing demand of over 180 new patients per month. She provided a procedural history for the project and said the Commission received a POCB HDEX application on April 14, 2011. She said the subcommittee determined that the proposed project complies with the Development of Regional Impact (DRI) Enabling Regulations definition of a POCB. She said the project qualifies for a POCB because it's a non-profit organization pursuant to Massachusetts General Laws Chapter 180, the proposed project will be providing access to a continuum of health and wellness services for over 5,000 low income and underserved individuals, the Center enables clients to conserve their remaining resources to meet other basic needs, including housing, and said the subcommittee found the project qualifies as a POCB as it results in a distinct benefit to the community and citizens of Barnstable County. She explained the subcommittee's findings and conditions in the draft decision regarding issue areas for land use,

economic development and economic development Best Development Practices (BDPs), affordable housing, energy, natural resources and open space, water resources, hazardous waste, solid waste and recycling, heritage preservation and community character, transportation and transportation BDPs. Ms. Enos explained the findings for approval and noted those areas where relief has been granted and said relief granted relates directly to the nature of the identified hardship and is the minimum necessary to address it. She said the subcommittee recommends that the project, with relief granted and as conditioned, is consistent with the Minimum Performance Standards of the Regional Policy Plan (RPP), local zoning bylaws, Mashpee's Local Comprehensive Plan, it is not located in a District of Critical Planning Concern, and the probable benefits of the project outweigh the probable detriments of the project. She said the subcommittee found the project will provide care for those targeted in the RPPs Affordable Housing section, provide health and dental care to an underserved market, create jobs, utilize an innovative septic system, provide an outstanding trip reduction plan, deliver approximately \$210,000 worth of uncompensated care and approximately \$384,000 worth of enabling services, and be designed to achieve LEED certification. She said the subcommittee recommends approval of the project as a Project of Community Benefit Hardship Exemption.

Attorney Eliza Cox, of Nutter McClennen & Fish representing the applicant, acknowledged Page Czepiga, the former regulatory officer/ project manager at the Commission, for her professionalism and all her work on the project. She said Ms. Czepiga would be greatly missed. Ms. Cox also thanked Elizabeth Enos, regulatory officer at the Commission, for taking over the project and for her presentation. She said the health center was created as a non-profit organization pursuant to Chapter 180 of the Massachusetts General Laws. She said the purpose of the corporation is to increase access to healthcare for uninsured and underinsured people by providing a free clinic or system of free clinics as a charitable corporation that provides primary care, dental care, and mental health care. She said the Community Health Center of Cape Cod is one of 1200 health centers federally designated across the country and is one of only eight community health centers in Massachusetts to be awarded federal funding for a major capital improvement. She said the proposed project will provide for a low cost pharmacy, the addition of three dental chairs and expansion of primary healthcare services for uninsured and underinsured people. She said it was established 14 years ago as a non-federally designated health center that was volunteer-run and open two days a week. She said patient demand was hard to meet and expansion helped to meet that tremendous increase in demand. Ms. Cox explained that there is a rapidly increasing demand for the health services and Cape Cod has been designated as a medically underserved area with both dental and health professional shortages. She said most of the health center's clients are below the federal poverty level and are uninsured and underinsured. She said the health center has helped assist approximately 5,000 individuals gain health insurance, it has provided free or low cost medical care and medication; connected people to food stamps, veteran's benefits, and medical care. She said the project provides benefits to the area and said one benefit will help assist and aid in the economic recovery by creating new high-paying jobs. She thanked the Town of Mashpee for their support of the project and said as the property owner the Town agreed to sign on as co-applicant. She said the health center received a \$6 million federal grant and the remaining \$3 million would need to be raised by the non-profit applicant through a private capital campaign. She said the \$6 million is being invested into the local economy, provides for cutting edge design and helps uninsured and underinsured individuals. She said there are significant time constraints to fundraise the balance of the construction budget as the federal grant project must be up and running by September 2012. Ms. Cox thanked the subcommittee for expediting the process and urged support by the full Commission.

Jack McCormack referred to the transportation section on page 19 of the draft decision and asked if the 22,100 square feet was a typographical error.

Eliza Cox said the building footprint is 22,200 square feet. She said 22,200 square feet reflects the area measured as required by the Cape Cod Commission. She said when it was originally submitted the

measurements had been taken differently. She said the correct measurement should be 22,200 square feet throughout.

Ernest Virgilio said on behalf of the Town of Mashpee, they are very proud to have a project like this in Mashpee.

Elizabeth Taylor said after having read everything, what this project is bringing to the community is excellent and she applauds the applicant.

Joanne O'Keefe said Page Czepiga and Elizabeth Enos did an excellent job leading the subcommittee. She said the project is on a fast track and is federally qualified by a grant. She said the applicant would be raising private funds for the project and a Project of Community Benefit Hardship Exemption is good for the project.

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

Ernest Virgilio moved to approve the Mashpee Community Health Center as a Project of Community Benefit Hardship Exemption with conditions. Joy Brookshire seconded the motion. The motion passed with a unanimous vote.

Ernest Virgilio moved to approve the Project of Community Benefit DRI Hardship Exemption decision for the Mashpee Community Health Center as submitted. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Ernest Virgilio thanked Page Czepiga for a wonderful job. He also thanked Elizabeth Enos, Commission staff, the subcommittee and the applicant.

■ **COMMISSION MEMBER COMMENTS**

Joanne O'Keefe thanked Clay Schofield and Glenn Cannon for going before the Sandwich Board of Selectmen to discuss the bikeway. She said they are still working on that effort.

John Harris inquired about the mapping for the power lines and asked if the map would be used for the vegetation management plan.

Paul Niedzwiecki said, yes, NSTAR would notify towns of their operating plans and said they would be using the maps.

A motion was made to adjourn at 4:15 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary

## **LIST OF DOCUMENTS PRESENTED AT THE AUGUST 4, 2011 COMMISSION MEETING**

- Handout material: August 4, 2011 meeting agenda.
- Handout material: Windrift Acres Subdivision Draft Decision.
- Handout material: Community Health Center of Cape Cod, Mashpee Draft Decision.
- PowerPoint slide presentation on the Windrift Acres Subdivision project prepared by the Cape Cod Commission.
- PowerPoint slide presentation on the Community Health Center of Cape Cod, Mashpee project prepared by the Cape Cod Commission.