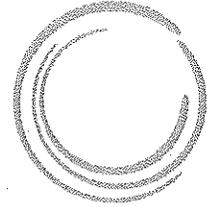


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

August 30, 2012

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	Vacant	Vacant
Dennis	Richard Roy	Absent
Eastham	Joy Brookshire	✓
Falmouth	Vacant	Vacant
Harwich	Robert Bradley	Absent
Mashpee	Ernest Virgilio	Absent
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	Absent
Truro	Peter Graham	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Herb Olsen	Absent

The meeting of the Cape Cod Commission was called to order on Thursday, August 30, 2012 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 the Strategic Information Office presentation scheduled for today's meeting will be postponed to the September 13, 2012 Commission meeting. He said on September 7 a governing committee meeting is scheduled for that body and he would have more information to report on after the meeting.

■ MINUTES

The minutes of the July 19, 2012 Commission meeting were reviewed. Len Short moved to approve the minutes of July 19, 2012. Joy Brookshire seconded the motion. The motion passed with a unanimous vote.

The minutes of the August 2, 2012 Commission meeting were reviewed. Len Short moved to approve the minutes of August 2, 2012. Austin Knight seconded the motion.

Roger Putnam referred to page 4, second paragraph from the bottom and said the word grab should be changed to grant.

A vote called on the motion with the noted correction passed with a unanimous vote.

■ GREEN COVE, LLC AND FALMOUTH AIRPARK HOMEOWNERS ASSOCIATION

Chair John Harris noted that this is a continued hearing from August 23, 2012.

The subcommittee reviewed the minutes of the August 23, 2012 public hearing. Royden Richardson moved to approve the minutes of August 23, 2012. John Harris seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Jessica Rempel, regulatory officer at the Commission, said a few substantive changes were made to the draft decision the subcommittee reviewed. She said materials submitted to the record were updated and summaries of the public hearing and subcommittee meeting were added, as discussed at the subcommittee meeting. She said in addition, based on correspondence with the applicant and the town, the total acreage of the three subject lots referred to throughout the document was changed from 52.14 to 65.73 to reflect the actual total combined acreage of these three lots. Ms. Rempel said the project proposes the division and recombination of two existing Falmouth Airpark Homeowners Association lots totaling 50.21 acres and one existing Green Cove, LLC lot totaling 15.52 acres, and the exchange of equivalent amounts of land between the Applicants. She said there is no existing development on the subject lots and no development is proposed with the exception of this proposed division and recombination of lots. She said, according to the applicant, the primary purpose of the proposed project is safety, both for the pilots of aircraft using the Falmouth Airpark and for abutters to the Falmouth Airpark. She said Green Cove LLC's existing buildable lot is currently within 200 feet of the landing runway and after the proposed project Green Cove LLC's lot would be 1,400 feet from the landing runway. Ms. Rempel provided a procedural overview of the project and said it is subject to Commission jurisdiction as it proposes the division and recombination of parcels of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. She said the Development of Regional Impact (DRI) referral was received by the Commission on May 10, 2012; a DRI hearing opened on July 6, 2012; a DRI Exemption application was received by the Commission on July 26, 2012; and a public hearing and subcommittee meeting was held on August 23, 2012. She explained the standards for review and approval of a DRI Exemption and explained the subcommittee's findings in issue areas regarding land use, economic development, water resources/coastal resources, natural resources/open space, waste management, transportation, energy,

affordable housing, and heritage preservation and community character. Ms. Rempel said the subcommittee found that the proposed project literally qualifies as a DRI pursuant to Section 3 of the Commission's Enabling Regulations as it proposes the division and recombination of land totaling 30 acres or more in common ownership or control on or after September 30, 1994. She said, however, as proposed the project consists of the division of land and recombination of lots for the sole purpose of exchanging equivalent parcels of land, as no other development is proposed, and as there will be no net increase in development potential within the existing subdivisions subject to this review, the subcommittee recommends a DRI Exemption because the location, character, and environmental effects of the development will prevent its having any significant impacts on the resources, values and purposes protected by the Act outside of the municipality in which the development is to be located, and therefore qualifies for a DRI Exemption.

Attorney Eric Turkington, representing Falmouth Airpark Homeowners Association and Green Cove LLC, said Commission staff has made a compelling presentation. He referred to the site plan showing the existing area and said Falmouth Airpark is a subdivision where people like to live near the Airpark and said many people own planes there. He said what is being proposed is a land swap where Green Cove property would be turned over to the Falmouth Airpark and in exchange Green Cove will receive a parcel that is not served by airplanes. He said the only reason the project is before the Commission is because the Commission's regulations specify. He said they strongly support the subcommittee's recommendation.

Roger Putnam questioned why a project such as this is before the Commission and said it doesn't need to be reviewed.

Paul Niedzwiecki said Attorney Turkington pointed that out during his presentation. He said the Commission tried to put the project through the process quickly. He said the Commission's regulations as written bring the project to the Commission.

Royden Richardson said he was glad to participate in the process and he is glad to see zoning used in an efficient way.

Chair John Harris said he was glad to participate in the process as well.

Len Short moved to close the hearing and the record. Royden Richardson seconded the motion. The motion passed with a unanimous vote.

Len Short moved to approve Falmouth Airpark Homeowners Association's and Green Cove LLC's proposed division and recombination of three existing lots consisting of 65.73 acres of land off Timothy Bourne Cartway in Falmouth as a DRI Exemption, and to deny, without prejudice, the same as a DRI because a DRI Exemption has been recommended, and to approve the Draft DRI Exemption Decision as amended. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

A motion was made to adjourn at 3:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Richard Roy, Secretary

LIST OF DOCUMENTS PRESENTED AT THE AUGUST 30, 2012 COMMISSION MEETING

- Handout material: August 30, 2012 meeting agenda.
- Handout material: Draft written decision for the Green Cove, LLC and Falmouth Airpark Homeowners Association project.
- Materials presented: PowerPoint slide presentation on the Green Cove, LLC and Falmouth Airpark Homeowners Association project prepared by the Cape Cod Commission.