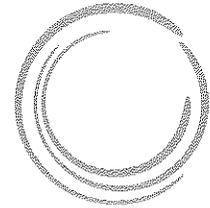


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CAPE COD
COMMISSION

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Minutes

Meeting of Cape Cod Commission

October 14, 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	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Peter Monger	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	✓
Truro	Peter Graham	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Sheila Lyons	Absent
Minority Representative	John Harris	✓
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	✓



Keeping a Special Place Special

The meeting of the Cape Cod Commission was called to order on Thursday, October 14, 2010 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 Commission continues to move forward with the watershed tour/forums. He said three weeks ago a watershed forum was held for the Three Bays Area and on October 7 a forum was held for the Lewis Bay Area at the Mattacheese Middle School. He said the next forum would be held on October 21 at 7:00 p.m. at the Dennis-Yarmouth school and the focus will be on the Bass River Watershed.

■ THE VILLAGE AT BARNSTABLE DEVELOPMENT AGREEMENT

Chair Roy Richardson noted that this is a continued hearing from September 23, 2010.

Andrea Adams, senior regulatory planner at the Commission, provided PowerPoint slides showing the area of the main campus and the affordable housing component. She said before the Commission today is a two-party Development Agreement by and between The Lyndon Paul Lorusso Charitable Foundation of 2002 regarding The Village at Barnstable and the Cape Cod Commission. She said the project consists of a main campus that will involve the construction and operation of a continuing care retirement community on a 25.88-acre site in Independence Park and an affordable housing component. She said the affordable housing component would involve redevelopment of the former Whitehall Manor Nursing Home on a 3.3-acre parcel at 850 Falmouth Road in Hyannis into 42 apartments. She said the project would be built in three phases as funding allows. She said the main campus, a 25.88 acre site with multiple parcels on Communications Way, will consist of six multi-story buildings, 700,000+ square feet, 340 independent/assisted living units, a 60-bed skilled nursing facility on a currently vacant site. She said all new site infrastructure is being proposed including amenities customary to continuing care facilities such as a bank, dining room, fitness center, wood shop, and a beauty salon. Ms. Adams said the affordable housing component would involve the redevelopment of 850 Falmouth Road into 42 apartments at the former Whitehall Manor Nursing Home; a 22,000 square foot existing building; addition of a floor (three stories, the lowest below grade); changes to drainage, landscaping and lighting; outside amenities including a gazebo and multi-purpose area; and inside amenities including a multi-function room and exercise room. She provided a procedural history; explained the standards of review and approval for a development agreement pursuant to Chapter D, Development Agreement Regulations of the Commission's Code of General Application; and explained the 12-year term of a development agreement. She explained the statement of compliance and review for consistency with the Cape Cod Commission Act and the Regional Policy Plan (RPP). She said issue areas regarding coastal resources and wetlands do not apply. She explained the subcommittees' analysis for both the main campus and the affordable housing component regarding RPP resource areas relative to land use, economic development, water resources, wildlife and plant habitat, open space and recreation, transportation, waste management, energy, affordable housing, and heritage preservation and community character. Ms. Adams reviewed changes made to the Draft Development Agreement on pages 3, 4, 5, 7, and 14. She said these changes were reviewed today with the applicant and the subcommittee. She said the subcommittee voted to recommend approval of the Draft Development Agreement to the full Commission.

John Harris inquired about 9.5-acres of open space and asked if the land was owned by the developer or NSTAR.

Attorney Ron Jansson, special legal counsel for The Foundation, said the 9.5 acres of open space is owned by The Foundation.

Elizabeth Taylor asked for clarification on the 28.38 acres of open space and asked what happened to it. She said the applicant is actually only providing 11.5 acres of open space. She questioned whether this is going to be a trend for future open space requirements.

Heather McElroy, natural resource specialist at the Commission, said it's an unusual approach to open space protection but the subcommittee found this to be an appropriate way to meet the open space requirement. She said the applicant received credit because he is providing underground parking and said she commends the applicant for that. She said the applicant is also providing low impact design in a watershed area and the applicant should be applauded for that as well. She said the 4.6-acre offsite parcel is adjacent to open space the town currently holds with a conservation restriction. She said the bike easement is consistent with the Town of Barnstable's plan to extend the rail trail and the applicant provides for access through that site. She said there are 12 acres remaining and the \$1 million for water infrastructure the applicant has provided to the Town of Barnstable could be seen as open space mitigation. She said the subcommittee reviewed this and had long and hard discussions on this and felt the collected open space that was being provided met the requirements.

Elizabeth Taylor said she is not happy with direction this is going. She inquired about the underground parking and asked what's above it.

Heather McElroy said buildings are above it.

Elizabeth Taylor said she doesn't see where \$1 million for water infrastructure provides for open space and said she's afraid that a precedent is being set here.

Heather McElroy said this will not set a precedent.

Paul Niedzwiecki said this is a Development Agreement. He said this would not apply for a DRI.

Joanne O'Keefe said she sat on the subcommittee and there has been positive interaction with the applicant. She said the applicant was diligent to provide the information and the subcommittee visited both sides. She said the final analysis she felt were all pluses. She said the project fills the need of the community and she trusts the applicant will fulfill good vision.

John Harris questioned whether there should be a provision for ownership if the property is sold or being built by someone else.

Andrea Adams said the Development Agreement contemplates assignment in Sub-clause 4. She said she is not troubled with the language and said the applicant will have to show something upon receiving a Certificate of Occupancy.

Attorney Ron Jansson said any assignments (on page 5 of the Development Agreement) would need prior approval by the Commission. He said the Commission asked for that language.

Attorney Jansson introduced his team and said they are available to answer questions. He said the project is located in Independence Park and joins Route 6. He said the site is zoned industrial by the Town of Barnstable and industrial is considered to have the most expanded use as of right. He said this type of use is a much less intense use than what could be put on the site. He said it will be built in three phases and the purpose behind the project is to allow people to age in place and allows people to transition. He said it would be a self-enclosed facility and the type of facility seniors look for. He said transportation will be provided from the site and it will have underground parking in the amount that is required by the town. He said he has been involved in this project for five years and he has been meeting with Commission staff for well over a year. He said the project has been well thought out with

much effort; this is not a spontaneous project. He said MEPA determined that the project does not require an Environmental Impact Report. He said the project is close to the airport and it does not violate any Barnstable Airport regulations. He said the applicant will need to receive approval from the Town of Barnstable and noted that John Klimm, the Barnstable Town Manager, has fully endorsed the project and the town developed an overlay district for this project. Attorney Jansson said Mr. Lorusso died three years ago and it was Mrs. Lorusso who wanted a project like this to be built; it was her wish. He said The Foundation is the largest Charitable Foundation on the Cape. They have made huge charitable contributions to the community. He said the benefits that the project will provide include a good location for the project, the applicant has declined box store proposals, they are doing everything to protect underlying resources, it's located close to Cape Cod Hospital, close to the Cape Cod Ambulatory Center, close to the Cape Cod Mall and close to Route 6. He said it will create jobs and they anticipate employing up to 110 people with good full-time employment. He said the residents will spend money and that is good for the economy. He said there is a significant need for a project like this. He said the project complies with Minimum Performance Standards in the RPP and Best Development Practices. He said housing will be affordable at 65% median wealth of the population and it will be tied into the municipal sewer system.

Edward Pesce, special project engineer, said they have worked well with Commission staff and he complimented staff on their efforts.

Ron Davis, project financial analyst, said both parcels pay an annual tax of \$31,000. He said both projects should pay the town \$800,000 in taxes and the town should have net proceeds above \$300,000. He said upon completion of the project they anticipate employing over 100 employees. He said \$4.4 million is the expected payroll and 85% of the employees will be current Cape residents. He said any monies going to The Lorusso Foundation would go back to the community.

Rev. Herb Taylor, consultant from Abundant Life Communities, said the project provides aging and health care services. He said he was eager to help with the project when they were asked. He said he believes there is a clear need for this project and the project will have a significant impact in the lives of the community.

Elizabeth Taylor asked of the 110 employees how many would be full-time and how many would be part-time employees.

Ron Davis said the full-time equivalent would be 103 employees with full benefits.

Elizabeth Taylor asked how local preference would work.

Paul Ruchinskas, affordable housing specialist at the Commission, said it could depend on process or funding. He said the RPP requires regional preference; a maximum of 70% county preference.

Michael Blanton, member of the subcommittee, said the subcommittee had a discussion about preference. He said the subcommittee is hoping for regional preference and the applicant was looking for veteran preference. He said the applicant is looking into that with the State.

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

Michael Blanton moved to approve the Draft Development Agreement document as amended. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Joanne O'Keefe moved to authorize the Commission Chair or Vice Chair to sign the Development Agreement on behalf of the Commission. Michael Blanton seconded the motion. The motion passed with a unanimous vote.

Attorney Ron Jansson inquired about a vote on the Draft Findings.

Jessica Wielgus, Commission counsel, said that was included in the Appendix that was just voted on.

Attorney Ron Jansson thanked the Commission for their consideration.

■ **Craigville Beach District of Critical Planning Concern (DCPC) Procedural Only**

Page Czepiga, regulatory officer at the Commission acting as a hearing officer, said today's hearing for the Craigville Beach DCPC is for procedural purposes only. No testimony will be heard and no substantive action will be taken today. She said the hearing is being continued to the October 28, 2010 Commission meeting at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chamber in Barnstable, MA.

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

Respectfully submitted,

Michael Blanton, Secretary

LIST OF DOCUMENTS PRESENTED AT THE OCTOBER 14, 2010 COMMISSION MEETING

- PowerPoint slide presentation on The Village at Barnstable Development Agreement prepared by the Cape Cod Commission.
- Handout material: October 14, 2010 meeting agenda.
- Handout material: Draft Development Agreement By and Between The Lyndon Paul Lorusso Charitable Foundation of 2002 in regard to The Village at Barnstable and the Cape Cod Commission.