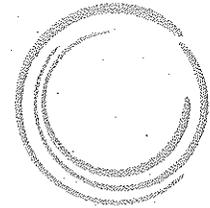


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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

December 1, 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	Absent
Falmouth	Mario DiGregorio	✓
Harwich	Robert Bradley	✓
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓ (arrived at 3:20 p.m.)
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	Absent
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, December 1, 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 said as of yesterday the Commission withdrew from the mediation process for the Conservation Law Foundation. He said the Commission was asked to participate, the Commission did participate and formerly withdrew from that process yesterday. He said he would be meeting with the Barnstable County Commissioners on December 2nd to apprise them of the process.

■ MINUTES

The minutes of the September 15, 2011 Commission meeting were reviewed. Roger Putnam moved to approve the minutes. Lynne Pleffner seconded the motion. The motion passed with a unanimous vote.

The minutes of the October 13, 2011 Commission meeting were reviewed. Jack McCormack moved to approve the minutes. Roy Richardson seconded the motion. The motion passed with one abstention.

■ CAHOON MUSEUM OF AMERICAN ART, INC.

The subcommittee reviewed the minutes of the November 7, 2011 subcommittee meeting. Ernest Virgilio moved to approve the minutes. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Elizabeth Taylor read the hearing notice and opened the hearing at 3:05 p.m.

Jessica Rempel, regulatory officer at the Commission, referred to a hardcopy of an email that was included in Commission member packets today regarding a minor change to testimony for the October 18, 2011 public hearing. Using PowerPoint slides Ms. Rempel said the project property is located at 4676 Falmouth Road (Route 28) in Cotuit, MA. She said the Cahoon Museum, also known as the Zenas Crocker Homestead and recent owners were Mr. & Mrs. Ralph Cahoon, is a two-story, gable-roofed structure constructed circa 1782 in the Georgian/Colonial style. She said it is a contributing building within the Santuit National Register Historic District which includes eight buildings most owned by the Crocker's, was designated as a National Register District in November 1987, and was an early economic center of one of Barnstable's villages. She said the building presently houses the museum's collections, a gift shop, offices and storage space. She said staff at the museum find the space to be limiting in that it is too small for larger art exhibits, meetings, workshops and lectures. She said storage does not meet the needs of the staff and does not address climate controls required for artwork. She said the only access to the second floor is through a single, 30 inch wide stairway and there is no handicap accessibility or second means of egress. She said other issues identified include a single driveway for parking, a failed septic system, and inadequate lighting. She said the project involves the demolition of a 10' x 14' rear ell and construction of a two-story, 3,566 square foot addition with a walkout basement. She said the new addition would consist of a two-story portion abutting the existing building which will house an elevator and stairway, a one-story portion with roof dormer that will house the new entry and gift shop, and a one-story portion with a clerestory above that will house a large gallery. She said the full basement would be a walkout to the expanded rear parking lot that will house restrooms, mechanical spaces, storage and a workshop. She said the detached garage on the east side would be removed to allow for a new two-story entrance, the west driveway would be widened for a new right-turn-in/right-turn-out access and egress to improve traffic flow and safety. She said other improvements include new lighting, sidewalks and handicap accessibility, a new sprinkler system, and a new septic system. Ms. Rempel explained the Commission's jurisdiction, criteria for approval of a DRI, and provided a procedural overview of the project. She said on November 7, 2011 the subcommittee voted to recommend Commission approval of the project as a DRI with conditions.

Sarah Korjeff, historic preservation planner at the Commission, explained the subcommittee's analysis for heritage preservation and community character. She said the subcommittee found that the proposed addition will preserve the historic structure's key character-defining features; the subcommittee found that the removal of the rear ell and the garage, both of more recent construction and without historic significance, will not threaten the building's significance; the subcommittee conditioned the project to require the addition be constructed as shown on approved plans and elevation drawings; the subcommittee found the proposed redesign of the driveways and parking area should not affect the setting if parking is screened by existing vegetation and if widening is kept to a minimum; and the subcommittee conditioned the project to require the applicant to submit a Final Landscape Plan for staff to review and approve prior to issuance of a Preliminary Certificate of Compliance. Ms. Korjeff said Massachusetts Historical Commission determined in a letter dated October 24, 2011 that the project is unlikely to affect archaeological resources and said the subcommittee found that the proposed project is consistent with Minimum Performance Standard HPCC1.3 Archaeological Sites.

Jessica Rempel said a letter dated September 21, 2011 from Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, indicated that the project is consistent with the Local Comprehensive Plan, is consistent with municipal development bylaws, and the project is not located within a District of Critical Planning Concern. She said as a standard for DRI approval the subcommittee found that the probable benefits identified include: the project will allow for increased exhibition space while preserving the structure's historical significance and historical items, the project will allow for the potential for more visitors to explore the museum, and the proposed reconfiguration of the driveways will be an improvement over the existing conditions. Ms. Rempel said the subcommittee voted unanimously to recommend to the full Commission approval of the proposed 3,566 square foot Cahoon Museum of American Art addition as a DRI with conditions.

Steven Cook, owner of Cotuit Bay Design LLC, showed the proposed site and landscape plan. He said the siding on the new addition would be white cedar and the trim would be painted as an accent to downplay the addition. He said there would be a brick patio and historic vegetation would be used. He said they tried to design the stairwell to minimize how it affects the view and they scaled everything down for the entrance. He said the lower level is short on storage space so there is a large storage area proposed for artists to use.

Austin Knight complemented the applicant and said the proposed addition would be handicap accessible and that is a project benefit.

Jo Anne Miller Buntich, DRI Liaison for the Town of Barnstable, said the town supports the project. She said the town appreciates the applicant's sensitivity to the Zenas Crocker Homestead and said it's important to the town.

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

Roy Richardson moved to approve the proposed Cahoon Museum of American Art addition as a DRI with conditions, and to approve the draft written decision, as amended. Lynne Pleffner seconded the motion. The motion passed with a unanimous vote.

■ DEERWILD REALTY TRUST ANR SUBDIVISION

Vice-chair Michael Blanton noted that this is a continued hearing from November 16, 2011.

The subcommittee reviewed the minutes of the November 22, 2011 subcommittee meeting. Elizabeth Taylor moved to approve the minutes. Lynne Pleffner seconded the motion. The motion passed with a unanimous vote.

Andrea Adams, senior regulatory planner at the Commission, using PowerPoint slides said the project is a 41.45-acre property in Dennis located at 102 Sesuit Neck Road. She said the applicant is proposing to subdivide the property into two lots; a 23.93-acre lot (Lot 6) and a 17.52-acre lot (Lot 5). She said the property is restricted in perpetuity under a Conservation Restriction (CR) that also extends to abutting lots not subject to the subdivision. She said the CR limits the location of development on the project site to a 10.18-acre "Building Envelope" area. She said existing development on the property includes two houses, two horse corrals, two out-buildings, and a tennis court. She explained the Commission's jurisdiction and said the applicant applied for a Development of Regional Impact (DRI) Exemption pursuant to Section 12(k) of the Cape Cod Commission Act and Section 8 of the DRI Enabling Regulations. She said pursuant to the Act an applicant can apply to the Commission for an Exemption from Commission review because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is to be located. She said the Commission's Enabling Regulations also state that the burden of proof shall be on the Applicant to show the project is exempt. Ms. Adams said the project is classified as "Other" on the Dennis Land Use Vision Map. She said the subcommittee found that the project does not pose a threat to underlying resources or land uses protected by the "Other" category, the CR would be extended to cover 2.63 additional acres, and the project is consistent with MPS LU1.1. Ms. Adams explained the subcommittee's analysis for water resources, coastal resources, natural resources (wetlands, plant/wildlife habitat), open space, transportation, waste management, and heritage preservation and community character. She said at a meeting on November 17, 2011, the subcommittee found the project is eligible for a DRI Exemption and that the applicant met the burden of proof to show the project is exempt. Ms. Adams said on November 22, 2011 the subcommittee unanimously recommended Commission approval of the draft written decision approving the project as a DRI Exemption. Ms. Adams noted a correction to the draft written decision for New General Finding GF2.

Attorney Samuel Crowell, attorney for the proponent, referred to a 1990 Land Court plan that shows Lot 1 and Lot 2 as subdivided. He said in 2000 when the Conservation Restriction (CR) was put in place, Lot 1 and Lot 2 were combined to create Lot 4. He said the CR covers 50.51 acres in total. He said the applicant is now proposing to create two lots; Lot 6 which was Lot 1 and Lot 5 which was Lot 2. He said the CR allows Lot 4 to be reconfigured to reflect what Lot 1 and Lot 2 were. He said what is being proposed only affects Lot 4. He described how the Building Envelope would change and said the eastern 2.63 acre portion would be restricted. He said the CR includes all of Lot 4 and is kept in its natural state except within the Building Envelope where there are a few restrictions and just two buildings are allowed. Attorney Crowell described what exists in the Building Envelope and the new CR Amendment. He said two plans had been recorded and the applicant would record the new plan that would go on record with the CR Amendment. He said at a previous subcommittee meeting Roger Putnam had a question regarding removal of underbrush. Attorney Crowell said Section B, Subsection 1 of the CR allows for that. He said he didn't have an answer for Mr. Putnam at the subcommittee meeting so he wanted to provide Mr. Putnam with an answer today.

Ernest Virgilio referred to the site plan and said there seems to be a concrete flume on plan #29040C. He asked if it was an active flume.

Attorney Crowell said the area seems to be a well wooded area but he doesn't have an answer for that.

Ernest Virgilio questioned whether the flume had been kept up.

Attorney Crowell said it's within the Conservation Restriction.

Ernest Virgilio asked if a flume such as that would get attention or remain the same.

Attorney Crowell said it would remain the same in its natural state.

Richard Roy said in the past there were cranberry bogs in that area and the flume was probably from bogs that are no longer in use.

Attorney Crowell agreed with Mr. Roy.

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

Richard Roy moved to approve the proposed 41.45-acre Deerwild subdivision in Dennis as a DRI Exemption, and to approve the draft written decision, as amended. Austin Knight seconded the motion. The motion passed with a unanimous vote.

■ **OTHER BUSINESS**

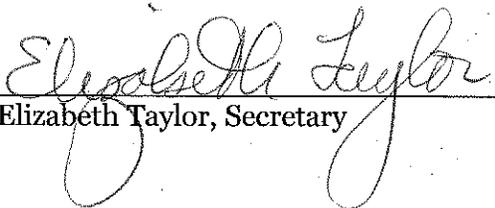
Paul Niedzwiecki said the agenda for the next Commission meeting on Thursday, December 15th is quite aggressive and he asked Commission members for their attendance.

■ **COMMISSION MEMBER COMMENTS**

Roger Putnam complemented Mr. Blanton on chairing the Commission meeting in Mr. Graham's absence.

A motion was made to adjourn at 4:00 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,


Elizabeth Taylor, Secretary

LIST OF DOCUMENTS PRESENTED AT THE DECEMBER 1, 2011 COMMISSION MEETING

- Handout material: December 1, 2011 meeting agenda.
- Handout material: Cahoon Museum of American Art, Inc. Draft Decision.
- Handout material: Deerwild Realty Trust ANR Subdivision Draft Decision.
- PowerPoint slide presentation on the Cahoon Museum of American Art project prepared by the Cape Cod Commission.
- PowerPoint slide presentation on the Deerwild Realty Trust ANR Subdivision project prepared by the Cape Cod Commission.