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CAPE COD COMMISSION

DRAFT Minutes
Springhill Suites by Marriott (TR14017) Hearing
July 9, 2015
Assembly of Delegates Chamber, First District Courthouse
3195 Main Street, Barnstable, Massachusetts

Subcommittee Members Present: Ernest Virgilio (Chair), Mary Pat Flynn, John D. Harris, John McCormack, Jr., Richard Roy, Charles McCaffrey (Alternate), and Royden Richardson (Alternate)

Commission Staff Present: Paul Niedzwiecki (Executive Director), Glenn Cannon (Director of Technical Services), Phil Dascombe (Community Design Manager), Jonathon Idman (Chief Regulatory Officer), Sarah Korjeff (Historic Preservation Specialist), Garry Meus (Landscape Architecture and Design Specialist), Elizabeth Perry (Regulatory Officer II), Jeffrey Ribeiro (Regulatory Officer II), and Sharon Rooney (Chief Planner)

Others Present: Atty. Kevin Eriksen (Counsel, Falmouth Hospitality LLC) and Robert Walker (Principal, Falmouth Hospitality LLC)

Minutes Summary

The Cape Cod Commission (Commission) Springhill Suites by Marriott Subcommittee (Subcommittee) held a hearing to review a proposal by Falmouth Hospitality LLC (Applicant) to construct a 110-room hotel as a Development of Regional Impact (DRI). The Subcommittee heard brief comments from the Applicant and staff and took public testimony.

Documents Used/Received

1. Draft Minutes from June 25, 2015 Public Meeting
2. Draft Minutes from June 30, 2015 Public Hearing
3. Submittal by Alison Leschen

Hearing Opened

Ernest Virgilio, Chair, called the continued hearing to order at 3:18pm. He asked the Subcommittee to introduce themselves, and they did so. Mr. Virgilio asked for opening comments from Commission Regulatory Officer Jeffrey Ribeiro. Mr. Ribeiro said the purpose of

the hearing was to allow the applicant to express its desire to make design changes in response to the June 26, 2015 memorandum from the Subcommittee, and to discuss Commission staff's suggested path forward for the review of the project. He said Commission staff suggests the Subcommittee wait and review the applicant's revisions to the project before continuing the project to the full Commission with the subcommittee's recommended decision. He said Commission staff had posted a public meeting for immediately following the hearing should the Subcommittee wish to convene in public meeting and discuss the project further. He also said the Subcommittee had copies of draft minutes from the June 25, 2015 public meeting and the June 30, 2015 public hearing it could approve.

John McCormack, Jr. moved to approve the minutes from the June 30, 2015 public hearing, and Richard Roy seconded. All were in favor. John McCormack, Jr. moved to approve the minutes from the June 25, 2015 public meeting, and Mr. Harris seconded. Charles McCaffrey requested that the word "considerate" on page 5 be changed to "considered." Mr. McCormack amended his motion to reflect Mr. McCaffrey's change, and Mr. Roy seconded. All were in favor. Mr. Virgilio then asked the applicant for comments.

Kevin Eriksen, Falmouth Hospitality LLC General Counsel, said that the Applicant is working toward addressing the Subcommittee's concerns expressed in the June 26, 2015 memorandum. He said the Applicant will be able to provide information on any changes to the project by July 20, 2015 in advance of the next anticipated hearing date of July 23, 2015.

Mr. Virgilio asked the Subcommittee for questions or comments. Mr. Roy asked Mr. Eriksen to clarify the dates proposed. Mr. Eriksen replied that documentation would be submitted no later than the July 20, 2015. Mr. Ribeiro added that Commission design staff members Phil Dascombe, Sarah Korjeff, Garry Meus, and Sharon Rooney were also present and available for questions.

Mr. McCaffrey asked Mr. Eriksen if he could characterize any of the expected changes. Mr. Eriksen said that his architect has been instructed to address as many of the comments from the Subcommittee design memorandum as feasible.

Mr. Virgilio asked Commission staff if there would be enough time to review the changes if they come in on July 20, 2015 as proposed. Jonathon Idman, Chief Regulatory Officer, replied that he acknowledges the timeline proposed is tight, but he said Commission staff had proposed the date of July 20, 2015 as reasonable for the Applicant to provide any proposed changes. He said that Commission staff would be able to provide comments before a hearing on July 23, 2015. He said that would allow the Subcommittee to review the changes and instruct staff how to draft a decision. He said there would then be time for an additional hearing the first week of August to review the draft decision, recommend that decision to the full Commission, and close the Hearing Period. He said the full Commission would then see the project during the Decision Period.

Royden Richardson said he was pleased to hear that the developer will be responding to the Subcommittee's concerns.

Mr. McCormack asked for clarification as to when materials would be expected and when the next hearing would be held. Mr. Idman clarified the materials would be received no later than July 20, 2015 and the next hearing would be on July 23, 2015.

John Harris said that the proposed timeframe was ambitious. He asked Commission staff if they thought the process would fit into the necessary deadlines. Paul Niedzwiecki, Executive Director, replied that he thought the timeline was achievable. He said that the Subcommittee has already received significant public input, and the Subcommittee would only be reviewing the changes to the project, not the entire project anew. He said there had been a significant number of hearings on the project already, including three hearings in Falmouth. He said it is important to have subsequent hearings in Barnstable because the review is regional, and Barnstable is more central to the region. He said the Subcommittee could have further discussion on July 23, 2015 if they would like to modify the proposed timeline.

Mr. Harris said he wanted to make sure the process and associated discussion remains relevant to the matters being reviewed. Mr. Niedzwiecki said that the Commission will stay focused on the matters for review. He said the process is consistent with past practice, and the project has been scoped to the relevant issue area of Heritage Preservation and Community Character. He said the Benefits and Detriments analysis for this project would be important to this review. He said the review has raised the level of public participation and has been focused on maintaining local control where it is appropriate while reviewing the project for its regional impacts.

Mr. McCormack said that the issue area of Heritage Preservation and Community Character is very subjective, and the project's Benefits and Detriments would be very important.

Mr. Roy said he was concerned about the appearance of the pedestrian bridge, about the need for the third floor pool, and about the noise that would come from building mechanical systems.

Mr. Virgilio said the Applicant should be able to understand the requirements of review as well as the concerns voiced. He said he is also unsure about the pedestrian bridge and the noise generated by hotel operations.

Public Comment

Mr. Virgilio asked for comment from federal, state, or local officials. Seeing none, he asked for comment from the public using the sign-in sheet.

Charles Alferes asked for clarification on how commercial vehicles would access and exit the site.

Mr. Idman responded to the Subcommittee and Mr. Alferes that the issue is beyond the scope of Commission review. He said the issue is very important, but will be dealt with through the local Planning Board through Site Plan Review. Mr. Virgilio agreed and said that local officials will have input when the project is reviewed by local boards.

Mr. Alferes asked if there is a plan for vehicles to exit the project. Mr. Idman said that the applicant has expressed that vehicles will be instructed to use Main Street to enter and exit the property. He reiterated the issue is outside of Commission review.

Lynn Whitehead said she is concerned about increased noise, trash, and truck traffic in the area as a result of the project.

Discussion and Continuance

Mr. Virgilio asked the Applicant to clarify how traffic would be directed. Mr. Eriksen said that all traffic would be routed to and from Main Street. Mr. Roy asked how many service vehicle trips will be associated with the project. Robert Walker, Principal of Falmouth Hospitality LLC, said that laundry would be done on-site. He said that trash would be picked up twice per week. He said trucks are brought to the site outside of "guest hours" so as not to disturb customers. He said these trucks would come between 10am and 3:30pm. He said food deliveries would be minimal and would occur during the same hours.

Mr. Virgilio asked for other comments. Mr. Idman addressed Mr. Roy's concerns about the pedestrian bridge. He said that the cladding of the bridge was proposed by the Applicant in reference to the Commission staff comments to break down the massing of that building feature.

Mr. Richardson asked if the pedestrian bridge was sufficient for its intended purpose.

Mr. Niedzwiecki said he would like to provide a comment on process. He said that Commission review is for assessing the regional impacts, and the project will still have significant local review under the local ordinances and zoning by-laws. He said the Commission can do a better job at explaining the Commission process and scoping procedures. He said that individuals at the Commission do not make decisions independently and it is unfair for public comment to directly criticize individual staff members. He said process questions should be directed to him directly.

Mr. Virgilio said that a lot of testimony had been taken, and the Subcommittee should move on to what will be presented by the Applicant at the next hearing. He then asked for any final comments from the Subcommittee

Mr. Roy asked the Applicant what uses have been present previously on the site, with specific concern regarding any contaminants that could be present. Mr. Walker said that a third-party study had been done at the site and it was declared clean. Mr. Virgilio asked the Applicant if that information could be made available to the Subcommittee.

Mr. McCormack responded to prior comments and said that two large buildings in Yarmouth were successfully connected by a glass walkway.

Mr. Virgilio asked for a motion to continue the public hearing to the Assembly of Delegates Chamber on July 23, 2015 at 3:00pm. Mr. Roy moved and Mr. McCormack seconded. All were in favor.

Robin Singer asked for a point of information. She asked if the public would see the proposed changes to the project. Mr. Virgilio replied that there would be another hearing. Mr. Idman said any submittal by the Applicant would be uploaded to the Commission website.

Ms. Singer asked why the memorandum on the Subcommittee's report to the full Commission discussed at the previous hearing had not been uploaded to the website. Mr. Idman replied that no memorandum was prepared because the Commission decided to keep the project before the Subcommittee because the Applicant expressed it intended to make changes to the project.

Mr. Virgilio asked for a motion to adjourn. Mr. McCormack moved, and Mr. Roy seconded. All were in favor. The hearing was adjourned at 4:06pm.

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Respectfully submitted,

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Ernest Virgilio, Chair, Springhill Suites by Marriott Subcommittee Date

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