

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission

February 19, 2015

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	Absent
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Andrew Putnam	Absent
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	Absent
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	Absent
Native American Rep.	Danielle Hill	✓
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, February 19, 2015 at 3:05 p.m. in the First District Courthouse, Assembly of Delegates Chambers, Barnstable, MA. Roll was called and a quorum established.

■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

Public Hearing: Cape Cod Healthcare/Wilkens Outpatient Medical Complex Development Agreement #DA02014 Extension

Following the presentations and discussion, the Full Commission voted unanimously to approve Cape Cod Healthcare's request to extend the term of the Development Agreement with the Commission to March 20, 2027.

■ **EXECUTIVE DIRECTOR'S REPORT**

Paul Niedzwiecki said the Commission will be hosting the second 208 Plan conference on the evening of Wednesday, February 25 and all day on Thursday, February 26 at the Conference Center in Hyannis. He said all selectmen and councilors have been invited to hear an overview of the 208 Plan and comments from the DEP, over 200 people are registered for the evening session on Wednesday, and over 300 people are registered for Thursday's session. He said the public meeting process for the Regional Policy Plan (RPP) Update was stranded by the recent snow storms and the information that would have been provided at the public meetings was uploaded to the Commission's website. He said the Commission will be reconvening the RPP process and stakeholder meetings are scheduled on March 3rd for the Upper Cape, March 4th for the Lower/Outer Cape and March 5th for the Mid Cape.

■ **MINUTES**

The minutes of the February 5, 2015 Commission Meeting were reviewed. Jack McCormack moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with 9 votes in favor and three abstentions.

■ **CAPE COD HEALTHCARE/WILKENS OUTPATIENT MEDICAL COMPLEX DEVELOPMENT AGREEMENT #DA02014 EXTENSION**

Chair Richard Roy opened the hearing at 3:10 p.m. and said the purpose of today's hearing is to review, hear presentations and take public comment on Cape Cod Healthcare's request for approval to extend the term of its Development Agreement with the Cape Cod Commission to March 20, 2027. He said the Development Agreement was executed in 2003 with a 12-year term, permitting construction of a 263,100 square foot ambulatory care medical complex in a campus setting consisting of several buildings to be developed in phases on 40.6 acres of land located in Independence Park, off Wilkens and Attucks Lane in Hyannis.

Eliza Cox, Attorney with the law firm Nutter, McClennen & Fish, noted that Terry Ahearn from Cape Cod Healthcare is also present today. With the use of PowerPoint slides Attorney Cox provided a brief overview of Cape Cod Healthcare's Development Agreement (DA). She said the DA dated March 20, 2003 was executed on June 5, 2003 by and between Cape Cod Healthcare, Inc. and the Cape Cod Commission. She provided an overview of the basic terms of the DA and said it created Innovative Design Guidelines and established a Design Review Process. She said the Design Guidelines, as outlined in an Exhibit in the DA, are guidelines for future development on the campus and sets forth development and architectural standards. She referred to a PowerPoint slide showing the project site and described the Design Guideline's Concept Plan for Phase 1(A). Attorney Cox said Cape Cod Healthcare is requesting an extension to March 20, 2027. She said no changes to other terms/conditions of the DA are being requested, the DA is in compliance with all terms/conditions in the DA, and Section 7 of the Commission's Chapter D of the Code of Cape Cod Commission Regulations permits one extension not to exceed the duration of the original term of 12 years. She described pre-development milestones and development obstacles. She described Phase 1(A) of the Wilkens Outpatient Medical Complex that was completed in 2011 and additional/expanded development of the Wilkens Campus. Attorney Cox said public benefits include greater access to medical care, job opportunities, growth in healthcare cluster, relocation of high traffic generating uses from Cape Cod Hospital, infill of vacated space at Cape Cod Hospital, additional site development/landscaping, and the development is consistent with the Town of Barnstable's Local Comprehensive Plan. Attorney Cox asked for a favorable vote by the Commission.

Jon Idman, Chief Regulatory Officer at the Commission, said Attorney Cox covered in detail Cape Cod Healthcare's request to extend the term of the DA. He said Commission staff recommends that the Commission approve this extension to March 20, 2027. He said the development provides benefits many of which have been realized by

construction of the first Phase. He said there are no detriments, only Phase 1(A) has been constructed, the applicant has met all conditions, they have provided mitigation, and they have received Certificates of Compliance from the Commission. He said it's important that the Commission maintain jurisdiction over the DA. He said letters in support of the extension have been received and he noted that a letter was received from the Town of Barnstable in support of the extension.

Kevin Grunwald said when a DA is in place regulations are frozen and he inquired about changes to regulations.

Jon Idman explained the benefit the developer gets with a regulation freeze and said the DA allows for a longer period than a DRI to obtain development permits. He said certainly the Regional Policy Plan will change next year. He said it's good for applicants to have predictability. He said the DA designs would not deviate from the RPP.

Federal, state, and local officials were called to provide comment. No public comment was given.

Comment by the general public was called. No public comment was given.

Mike Skelley moved to close the hearing. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Jack McCormack said it's a wonderful project, it provides great service and amenities. He said it's a great facility and he supports the extension.

Harold Mitchell moved to approve Cape Cod Healthcare's request to extend the term of the Development Agreement with the Commission to March 20, 2027. Royden Richardson seconded the motion. A vote called on the motion passed with a unanimous vote.

■ OTHER BUSINESS

Chair Richard Roy said both he and Mr. McCormack have spoken to Commission Member John Harris and said he is doing very well.

A motion was made to adjourn at 3:40 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Harold Mitchell, Secretary

List of Documents Used/Presented at the February 19, 2015 Commission Meeting

- Minutes of the February 5, 2015 Commission meeting.
- Handout material: February 19, 2015 Commission meeting agenda.
- Handout material: Memo from Jon Idman to the Commission regarding the proposed Extension to the term of the DA by and between the Commission and Cape Cod Healthcare, Inc.
- Material presented: PowerPoint presentation on the Cape Cod Healthcare Wilkens Outpatient Medical Complex DA Extension prepared and presented by Attorney Eliza Cox of Nutter, McClennen & Fish.