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CAPE COD
COMMISSION

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Minutes

Meeting

Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers
3195 Main Street, Barnstable, MA 02630

March 2, 2017

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	John Krajovic	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓
Governor's Appointee	Michael Maxim	✓

The meeting of the Cape Cod Commission was called to order on Thursday, March 2, 2017 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

SUMMARY OF ACTIONS TAKEN/VOTES:

Approval of Minutes: The minutes of the January 19, 2017 Commission Workshop/Meeting were approved with 14 votes in favor and one abstention (Jacqueline Etsten).

Cape Club Redevelopment Public Hearing

Following presentations, public testimony and discussion the Commission voted with 14 votes in favor and one abstention (Jacqueline Etsten) to approve the project as a Development of Regional Impact (DRI) and adopt the draft written DRI decision for the project.

Request for Nominating Committee: Request by the Chair of the Cape Cod Commission for members to volunteer to serve on the Nominating Committee for the purpose of nominating a Slate of Cape Cod Commission Officers for Chair, Vice-Chair and Secretary for the term beginning July 2, 2017 through June 30, 2018.

■ MINUTES

The minutes of the January 19, 2017 Commission Workshop/Meeting were reviewed. Jack McCormack moved to approve the minutes. Roger Putnam seconded the motion. A vote called on the motion to approve the minutes passed with 14 votes in favor and one abstention (Jacqueline Etsten).

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said the budget process is underway at the Assembly of Delegates, Commission staff met with the Assembly's natural resources subcommittee last night, and the Assembly has met regarding the future of the Cape Cod Water Protection Collaborative. He said the Commission held a stakeholder meeting for the large Regional Economic Strategy Executive Team (RESET) project in Hyannis, they put out a survey and they are heading into the final phase. He said Commission staff attended a multimodal meeting at the transit authority and last night the Cape Cod Chamber of Commerce hosted an event regarding Blue Economy. Mr. Niedzwiecki reminded Commission members that they need to complete their State Ethics Commission Conflict of Interest Law online training and the link to the online training was included in their email from Jessica Wielgus, Commission Counsel.

■ CAPE CLUB REDEVELOPMENT #TR16017

Chair Harold Mitchell said the Cape Club Redevelopment project was referred to the Cape Cod Commission as a mandatory Development of Regional Impact (DRI) and today's public hearing was continued from February 21, 2017. He read the hearing notice and opened the hearing at 3:10 p.m.

The DRI subcommittee for the project reviewed the minutes from the February 21, 2017 public hearing. Elizabeth Taylor moved to approve the minutes. Richard Roy seconded the motion. A vote called on the motion passed with a unanimous vote of the subcommittee.

Attorney Eliza Cox, with the law firm of Nutter McClennen & Fish representing the applicant, said joining her today is the project manager Kelly Cardoza and David Spiegel manager of FWG, LLC. With the use of PowerPoint slides Attorney Cox described the existing project site and existing conditions. She said surrounding uses include an 18-hole golf course and residential development. She said the property is accessed by three curb cuts along Falmouth Woods Road, the property is on the municipal water system and has multiple septic systems. She said the clubhouse and tennis court pavilion located on the property will be removed. She provided a history on the property and said FWG purchased the property in 2013 and has made a significant investment into the property. Attorney Cox referred to the proposed project plan and said the applicant is proposing 28 single-family

cluster lots, a new loop road, new buildings will be connected to town water, an 80-room hotel connected to cottages clustered around the clubhouse, proposed expansion of the parking area, a proposed wastewater treatment facility connecting to new buildings and the existing clubhouse, the design is consistent with the existing clubhouse, and the proposed gym/fitness center will be in the same design and color as the clubhouse and cottages.

Attorney Cox explained permitting for the project and said the applicant has received approval from the Massachusetts Environmental Policy Act (MEPA), Natural Heritage, and Massachusetts Historic Commission. She said the applicant will be going back to the Falmouth Planning Board and Zoning Board of Appeals for final approval. She described project benefits as redevelopment in a previously disturbed site, it reduces site-wide nitrogen loading within an impaired watershed, improves the level of treatment of existing wastewater flows, walking trails provide recreational enhancement, stormwater design improves treatment over existing conditions, higher value off-site open space than could be protected on-site, aesthetic enhancement by elimination of the tennis/storage pavilion, and a comprehensive transportation demand management (TDM) plan. She said it has been a collaborative neighborhood working relationship and they received many letters of support. She said no relief is being requested and the mitigation required has been agreed to by the applicant. She thanked Commission staff and the subcommittee for their thorough review and efforts. She said the subcommittee is recommending flexibility, she appreciates their efforts and asked the Commission for a positive vote on the draft decision.

Jeffrey Ribeiro, Regulatory Officer at the Commission, with the use of PowerPoint slides provided an overview of the project and said it came to the Commission under two separate thresholds; a residential subdivision and commercial accommodations. Mr. Ribeiro reviewed the findings in the draft Development of Regional Impact (DRI) decision for the project in the Regional Policy Plan (RPP) issue areas for land use, and noted that Falmouth did not adopt a Land Use Vision Map and the proposed project is compact development and redevelopment of a previously disturbed site; economic development; water resources; natural resources; open space/recreation; transportation; energy; affordable housing; heritage preservation; and community character. He described special conditions in the draft decision for economic development/energy; water resources; natural resources; open space; transportation; and affordable housing. He said the project is consistent with the Falmouth Local Comprehensive Plan, local development bylaws and the only District of Critical Planning Concern (DCPC) in place is the Cape-wide Fertilizer Management DCPC. He said Falmouth has a fertilizer (nitrogen) management bylaw but it is not pursuant to the Cape-wide Fertilizer Management DCPC therefore there are no DCPC implementing regulations applicable to the project. Mr. Ribeiro described project benefits as the project redevelops a previously disturbed site; the project reduces site-wide nitrogen loading within an impaired watershed and improves the level of treatment of existing wastewater flows; the project provides higher value open space than could be protected on site and proposes to restrict additional on-site open space not required under the RPP; and the project provides a walking trail through wooded and open areas of the golf course that will connect the Moraine Trail to an existing walking trail located across Falmouth Woods Road at the Golf Club of Cape Cod. He said the only project detriment is that the project will result in the clearing of 3.2 acres of undisturbed woodland. He said the subcommittee found that the proposed project benefits outweigh the proposed project detriment and recommends approval of the project.

Elizabeth Taylor said she was on the subcommittee and she is pleased with the open space purchase resulting from this application and getting open space on the property is a win-win.

Richard Roy said he was on the subcommittee and was impressed with how impressed the public was with the developer in keeping them informed.

Richard Conron asked if there will be sidewalks along the roads and if they would be built according to the town's Department of Public Works standards.

Attorney Cox said sidewalks are proposed along residential roads and they will be constructed based on the town's standards.

Royden Richardson said he was on the subcommittee and is pleased with the affordable housing aspect. He said he is impressed with how pleased the community is with the look of the proposed development and said the project provides a very nice and comfortable look.

Harold Mitchell said he was on the subcommittee and it was nice to see that the community was behind the project. He said getting open space by removal of the building and in the way this is being redeveloped is a nice touch. He said the subcommittee was happy with what was presented to them.

Chair Harold Mitchell called for public comment from municipal officials and the general public.

Barry Glasgow, resident and Vice President and Treasurer of the Ballymeade Property Owners Association, said Cape Club has been fully endorsed by the community, the developer provided a collaborative effort, and they listened to what the community had to say. He said Cape Club has a five-star restaurant, it's an ideal wedding destination, it contributes to creating a positive environment and it generates interest in Falmouth and the surrounding towns. He said the project before the Commission today is consistent with what Cape Club has done to date; the architecture and quality are consistent. He said he believes the developer will continue to provide high quality residences and hotel rooms and he urged the Commission to approve the project.

Jessica Whritenour, administrator of the 300 Committee Land Trust, said the land will be preserved and it's been a wonderful opportunity for the 300 Committee to work with Falmouth Woods Golf. She said this particular open space mitigation funding is going to preserve the 69.7-acre Shallow Pond Woodlands property, it's in a Zone II, it's a priority habitat, and the land is contiguous with other protected open space in town. She said once the property is purchased and preserved it will connect a 183-acre corridor of land and it will all be accessible to the public for passive recreation opportunities. She said they believe it's a great opportunity for open space conservation and passive recreation.

Larry Johnson, past president and board member of the 300 Committee Land Trust, said this property has been a number one priority for about 25 years and finally this is the "aligning of the stars" making this all happen at the same time. He said they will be closing on the Shallow Pond Woodlands property at the end of March and a conservation restriction will be executed in connection with that closing. He said they are very pleased that they are able to move forward with this wonderful property.

Charles McCaffrey moved to close the public hearing on the project. Elizabeth Taylor seconded the motion. A vote called on the motion passed with a unanimous vote.

Charles McCaffrey moved to adopt the draft written DRI decision recommended by the subcommittee and approve the project subject to the conditions set out in the decision. Richard Roy seconded the motion. A vote called on the motion passed with 14 votes in favor and one abstention (Jacqueline Etsten).

■ REQUEST FOR NOMINATING COMMITTEE

Chair Harold Mitchell said he is requesting members to volunteer to serve on the Nominating Committee for the purpose of nominating a Slate of Cape Cod Commission Officers for Chair, Vice-chair and Secretary for the term beginning July 1, 2017 through June 30, 2018. Chair Mitchell noted that Commission members Ernest Virgilio, Elizabeth Taylor, and John Harris have expressed interest in serving on the Nominating Committee and asked that anyone else interested in volunteering to let him know. He said the Nominating Committee will meet in a posted meeting in March or April and will present the Slate of Officers to the full Commission at a meeting scheduled in May.

■ **NEW BUSINESS**

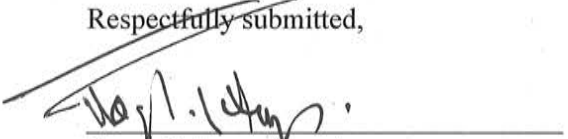
Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.

Jack McCormack asked for status on the Commission's Regional Policy Plan (RPP).

Paul Niedzwiecki said he anticipates contacting the RPP subcommittee to meet within the next two weeks.

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

Respectfully submitted,



Roger Putnam, Secretary

List of Documents Used/Presented at the March 2, 2017 Commission Meeting

- Minutes of the January 19, 2017 Commission Workshop/Meeting.
- Handout material: March 2, 2017 Commission meeting agenda.
- Handout material: Cape Club Redevelopment Draft Development of Regional Impact Decision.
- Material Presented: Cape Club Redevelopment PowerPoint Presentation prepared and presented by Cape Cod Commission staff.
- Material Presented: Cape Club Redevelopment PowerPoint Presentation prepared and presented by the Applicant.