



**Minutes
Committee on Planning and Regulation (CPR) Meeting
December 16, 2021**

Elizabeth Taylor, Chair called the Committee on Planning and Regulation meeting to order on Thursday, December 16, 2021 at 1:09 p.m. The meeting was conducted virtually using the Zoom meeting platform, with all members participating remotely as allowed pursuant to Chapter 20 of the Acts of 2021, an Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021. The Chair announced that all votes or actions would be taken by roll call vote and that the members participating would be announced as the roll call was taken. The Commission Clerk called the roll, and a quorum of members was established as follows:

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|-----------------------------|---------|
| Elizabeth Taylor (Chair) | Present |
| Harold Mitchell | Present |
| Jacqueline Etsten | Present |
| John Harris | Present |
| Tom Wilson (Vice Chair) | Present |
| Fred Chirigotis (Alternate) | Present |

Summary of Actions Taken/Votes

- **Approval of Minutes:** The minutes of the September 9, 2021 Committee on Planning and Regulation meeting were approved
- **Vice Chair Nomination:** The committee voted to approve the nomination for Tom Wilson as Vice Chair of the Committee on Planning and Regulations
- **Cape Cod Healthcare (CCHC) Wilkens Development Agreement Minor Modification:** The applicants request to modify the site plan contained with the Cape Cod Healthcare Development Agreement to reflect the division of land at 35 Wilkens Lane, Hyannis, MA as a minor modification #2 was approved

Minutes of September 9, 2021 Meeting:

Upon a motion to approve the minutes of the September 9, 2021 meeting made by Harold Mitchell, seconded by Tom Wilson the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Harold Mitchell, Yes; Jacqueline Etsten, Abstain; John Harris, Yes; Tom Wilson, Yes

Election of Vice Chair: Committee members will nominate and vote to elect a Vice Chairman to the Cape Cod Commission, Committee on Planning and Regulations.

Jacqueline Etsten nominated to appoint Tom Wilson as the Vice Chair. Mr. Wilson agreed.

Upon a motion to appoint Tom Wilson as the Vice Chairmen to the Committee on Planning and Regulations by John Harris, seconded by Jacqueline Etsten, the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Harold Mitchell, Yes; Jacqueline Etsten, Yes; John Harris, Yes; Tom Wilson, Yes

Executive Director's Report – Kristy Senatori will report on any recent staff activities.

Ms. Senatori deferred the Executive Directors report to the full Commission meeting this afternoon due to other agenda items that need to be reviewed today. She added that both The Cape Cod Commission and Executive Committee are meeting this afternoon.

Cape Cod Healthcare (CCHC) Wilkens Development Agreement Minor Modification:

Applicant will present a proposal for a minor modification to the Cape Cod Healthcare Development Agreement (CCC No. 02014) to permit a division of land at 35 Wilkens Lane in Independence Park, Hyannis, MA to land that is subject to the existing Development Agreement. The Committee may vote on the applicant's request for a minor modification.

The Chair asked for the Applicant's presentation on the request.

Attorney Eliza Cox stated that she is here on behalf of Cape Cod Hospital and Cape Cod Healthcare and introduced Attorney Michael Ford who is attending on behalf of New England Development. She indicated that Attorney Ford and herself have been in communication with Commission staff on this procedural step based on the language in the 2003 Development Agreement (DA) between Cape Cod Healthcare and the Cape Cod Commission and current Development Agreement regulations. As a result, CCHC is here today seeking a minor modification of the existing DA to allow for one of the properties to be divided into two lots and not proposing any changes to the findings or conditions. Attorney Cox reviewed the images of the proposed land division. She said that this division has been filed with the Barnstable Planning Board for approval which shows the division of lot A into two lots; it scheduled for a special meeting of the Barnstable Planning Board on Monday, December 20, 2021. The Applicant is requesting the Committee on Planning and Regulation to approve a minor modification of the DA as reflected on the ANR plan. Attorney Cox said that the DA is silent as to future developments of the land. She suggests that it is implicit by allowing multiple buildings on the lot and recognizing that the restrictions and benefits run with the land. She suggested that there are no different impacts by allowing the DA to recognize this division of land and confirmed that any other changes on the subject property will be reviewed by the Cape Cod Commission.

Attorney Ford stated that he had nothing further to add to Attorney Cox's presentation as she covered the request for a minor modification.

The Chair asked for comments from Commission staff.

Jordan Velozo, of Commission staff, stated that the applicants are seeking a minor modification to the DA. The DA authorizes the construction of multiple medical buildings on the property and does not explicitly prohibit the division of the land. The minor modification is proper for the applicant to proceed with. She stated that Commission staff suggests that the division itself is not a substantial change to the DA and any further development on the property will still be subject to the terms of conditions of the DA, requiring review for consistency with the DA. For these reasons, it is staff's

recommendation that this modification will not lead to increased impacts to the values or resources protected in the CCC Act or the Regional Policy Plan (RPP).

The Chair asked if members of the public had any comments.

There were no comments from the public.

The Chair asked members of the board had questions or comments.

Mr. Wilson asked that the applicant display the plot plan that shows the land division. Attorney Cox reviewed the division of land with Mr. Wilson. Mr. Wilson asked if by dividing the land, one lot would be large enough to support the originally proposed building on that lot. Ms. Cox stated that it does provide adequate acreage.

Upon a motion to grant applicants request as presented to modify the site plan contained with the Cape Cod Healthcare Development Agreement to reflect the division of land at 35 Wilkens Lane, Hyannis, MA as a minor modification #2 by John Harris, seconded by Harold Mitchell, the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Harold Mitchell, Yes; John Harris, Yes; Tom Wilson, Yes.

New Business

There was no new business

Meeting Adjournment

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 1:40 p.m. made by John Harris, seconded by Tom Wilson, the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Harold Mitchell, Yes; John Harris, Yes; Tom Wilson, Yes.

Documents used at the December 16, 2021 meeting

- Committee on Planning and Regulation Agenda, December 16, 2021
- DRAFT Minutes of the Committee on Planning and Regulation, September 9, 2021
- Meeting Power Point prepared by Cape Cod Commission Staff