



**Minutes
Cape Cod Commission Meeting
December 5, 2024**

Harold Mitchell, Chair called the Cape Cod Commission (CCC) meeting to order on Thursday, December 5, 2024 at 3:00 p.m. He stated that this meeting is being held in a hybrid format, both in person and virtually, as allowed pursuant to Chapter 20 of the Acts of 2021, as amended. He asked that anyone wishing to speak, either in person or virtually online/by telephone, raise their hand and wait to be recognized, so questions or comments can be captured by microphones.

He said because there are some members remotely participating, there will be a roll call vote on each action. The names of members who are remote participating were announced during attendance roll call.

The Clerk, Lisa Dillon called the roll for attendance and a quorum of members was established as follows:

Harold Mitchell, Chair	Present
Tom Wilson, Vice Chair	Present
Kevin Grunwald, Secretary	Present
Catherine Ledec	Present
Stephen Mealy	Present
Elizabeth Taylor	Present (Remote)
Tom Wilson	Present
Richard Roy	Present
Eastham Representative	Vacant
John Druley	Present
Jacqueline Etsten	Present
Ernest Virgilio	Present (Remote)
Douglas Fromm	Present
Peter Okun	Present
David Mead-Fox	Absent
Dennis Prebensen	Present
Ronald Bergstrom	Absent
John Harris	Present (Remote)
David Weeden	Absent
Governor's Appointee	Vacant

The following members participated remotely:

Elizabeth Taylor
Ernest Virgilio

Summary of actions/votes taken

- The draft minutes of the 10/31/24 meeting were approved
- The Committee voted to approve the Sandwich Community Health Center Development of Regional Impact and adopt the draft decision as presented.
- The Committee voted to deny without prejudice the 340 MacArthur Boulevard Development of Regional Impact.

Review and approval of the 10/31/24 CCC Minutes:

Upon a motion to approve draft minutes of the 10/31/24 Cape Cod Commission meeting, by Peter Okun, seconded by Dennis Prebensen the motion carried. Roll was called as follows: Catherine Ledec, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; John Druley, Yes; Jacqueline Etsten, Yes; Ernest Virgilio, Yes; Douglas Fromm, Abstain; Peter Okun, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Dennis Prebensen, Yes; John Harris, Yes

Public Comments for items not listed on the agenda.

There were none

Executive Director's Report: Kristy Senatori

- Regulatory – continuing to have a very active calendar; thank you to those checking and responding to emails.
- Held Regional Policy Plan Subcommittee meeting (11/12); Contracted with UMass Donahue Institute to conduct a residents' survey; focus groups beginning this month (transportation and open space scheduled for mid-December; anticipate climate, housing, and economy focus groups in early January)
- Held stakeholder meetings for housing preapproved plans (11/14 & 11/15) and housing land banks & community land trusts (11/13); in-depth public meetings scheduled for 12/10 and 12/11
- Site visit on 12/4 to Devens, the planned community being developed by Mass Development, at the former Fort Devens site, which was closed in 1996

Housing

- Ongoing work with Outwith Studio and partners (including Utile, FMRA and Cuyahoga Land Bank consultant) to develop an implementation plan for a regional housing land bank and community land trust. Held one general public meeting in mid-November to discuss both entities and visioning for them. In late November held two in-depth sessions, one on each entity, to dig into details of potential entities such as funding and governance structures. Holding two more in-depth public meetings 12/10 (focused on housing land bank) and 12/11 (focused on community land trust). Recommendations for how to potentially establish the entities will be done in early 2025.
- Continuing work with Flintlock LAB, Kronberg Urbanists and Architects, and Union Studio to create pre-approved housing plans for certain small-scale housing types. Held two days of successful in-person workshops with members of the consulting team, town staff, and town board members. Consultants working on refining plans based on feedback from those workshops.

Freshwater Initiative

- Ongoing work on draft strategy, expected by end of December
- Continuing to work with the Timmons Group and end user group to develop a public freshwater quality data portal; anticipated to be live by year end
- Working with White Mountain Inc (dba Crawford Land Management) in Sandwich and an end user group to develop Pondshore Buffer Guidance

Canal Bridges/Transportation

- Continuing to follow the canal bridges replacement work and coordinate with Cape and Islands Bridges Coalition. Presented to AoD on 11/20.
- Open House held on 11/18 at Bourne Community Center to review preferred interchange alternatives
- Continuing work on the Vision Zero Action Plan (strategy to eliminate traffic fatalities and severe injuries); seeking public feedback on identifying problem areas utilizing an interactive online tool and during public meetings in Orleans (11/12), Sandwich (11/21), and Barnstable (12/3).

Broadband

- Bourne, Sandwich and Orleans Digital Equity Plans complete. Several Barnstable workshops held to date, others and Falmouth public workshop planned 12/11

Climate

- Assisting Eastham with its Climate Action Plan, refining a scope of work
- Following completion of Low-Lying Road Project work, staff is working with towns to identify and pursue funding to advance conceptual designs
- Coordinating with several towns on potential EV charger projects

Administration

- Clarke Doody started 11/12 as Special Projects Coordinator. Bachelor's degree in environmental science from SUNY School of Environmental Science and Forestry and Syracuse University (dual degree). Background includes work as Program Manager and Regional Director of Franklin Energy Services, and Project Manager and Director of Operations for Mill City Energy/MassSave as energy.
- Advertising for Regional Housing Specialist
- Held Commission staff retreat on 11/4. Visited the old Harwich Fire Station being renovated into community space and housing, the adjacent Cold Brook Preserve and the Six Ponds area in Harwich that included a discussion of the ongoing resource management initiatives.

Public Hearing, Sandwich Community Health Center: The Cape Cod Commission will hold a hybrid public hearing to consider the following Development of Regional Impact (DRI) request pursuant to Sections 12 and 13 of the Cape Cod Commission Act. At this hearing, the Commission will discuss the following project and may vote whether to adopt a draft decision and approve the proposed project.

Project:	Sandwich Community Health Center (CCC File No: 24020)
Project Applicant:	Community Health Center of Cape Cod
Property Owner:	Cape Cod Five Cents Savings Bank
Project Location:	85 Route 6A, Sandwich, MA 02563
Map/Parcel:	LCP 120C4-J, Lot 31, Land Court Certificate: 172942

Project Description: The Applicant proposes to construct a 19,695-sf +/- Community Health Center with two workforce apartments, with associated parking and infrastructure. The subject property will be divided to create a 43,831sf lot.

The Chair asked for the applicant's presentation.

Using the power point, the applicant's representative, Sarah Turano-Flores introduced those that have worked on the project and that are present today and available for questions about the project. They included Karen Gardner, CEO, Community Health Center of Cape Cod, Inc.; Daniel Lacivita & Jeffrey Dirk, Transportation Engineers, VAI; Greg Siroonian, Project Architect, MEDCOM Architectural Group, Inc.; Jason Kroll & Joe Hendersen, Civil Engineers, Horsley Witten Group and Sarah Turano-Flores & Eliza Cos, Nutter, McClennen & Fish, LLP.

Ms. Gardner provided an overview of the Community Health Care Center Project that included information about Community Health Center of Cape Cod, Inc., including patient demographics, uncompensated care provided, and proposed Sandwich programming.

Jason Kroll of Horsley Witten reviewed the site maps of the location.

Greg Siroonian discussed the design and programming. He provided details on the first and second floor plans and the building square footage.

Mr. LaCivita reviewed the Transportation Impact Assessment Overview which discussed the safety and capacity improvements to Route 6A, Tupper Rd and West Main Street and covered the trip reduction/TMD Program. He discussed the sustainability and energy components of the project. He discussed the building design and massing.

Sarah Turano-Flores stated that the project meets the applicable criteria of the Regional Policy Plan as discussed during the subcommittee process and reviewed the benefits of the project.

The Chair asked for staff's presentation.

Using the power point, Alex Peterson, Regulatory Planner, gave a description of the project, provided jurisdiction & procedural history, explained the review standards for DRIs and explained waiver & flexibility available for DRIs undergoing review.

Mr. Peterson outlined the applicable Cape Cod Placetypes in the Regional Policy Plan. He explained the proposed and alternate site plans for the Project. He said that the draft decision contains findings relative to the following RPP goals which are applicable, material and regionally significant to the Project: water resources, open space, transportation, wetlands resources, cultural heritage, wildlife & plant habitat, community design, energy, climate mitigation and economy and reviewed those findings.

Mr. Peterson stated that the project is consistent the municipal development bylaw and the Town of Sandwich Local Comprehensive Plan. In closing, he reviewed the probable benefits & probable detriments of the Project.

The Chair thanked the applicant and staff for their presentations and asked for questions from members.

The Chair recognized Kevin Grunwald said that he is a fan of community health centers and that he is intrigued by the housing aspect of the proposal. He asked the applicant if they thought about eligibility guideless or time limits for people living in the apartment.

Karen Gardner stated that they haven't outlined eligibility yet. She said that they have taken over about 8 apartments in Mashpee Commons and that's been a test to run through eligibility and demand and it's been very manageable. She said the Health Center operates several student programs that acts as a pipeline for some of the staff. Ms. Gardner said that one guideline that they have committed to is 90 days for occupancy to get individuals acclimated on Cape Cod, help with the transition and where they choose to live. What they are finding is mostly entry level staff that just need some short-term support or professional staff that have committed to moving in, such as a provider, an MDA dentist, a psychiatrist role, but need time to find housing.

Mr. Grunwald asked if more housing could be provided on this parcel, and have you looked at the possibility of dormitory style housing?

Ms. Gardner said that the space at the property will not allow for dormitory housing.

Mr. Grunwald said that he is aware of performance standards for that designation and asked if the new building will enhance or assist you in meeting those standards in some specific way?

Ms. Gardner said yes, there are a number of ways. She said we are tasked to make sure that the population, including Sandwich that we serve, that has been identified for us by the federal government that individuals have appropriate access, same day access, access to physical appointments, preventative health appointments and sick appointments. It also helps with quality services that will allow multiple multi services such as diabetic eye exams, preventive medial visits, preventive dental visits in addition to primary care. She said that she is very proud of the quality of health center.

Mr. Grunwald asked about the onsite wastewater system and if it will bring the nitrogen down to 11 milligrams per liter. He said that it was high compared to the Commission standards in the past.

Tim Pasakarnis, Water Resource Analyst, Cape Cod Commission said that we do look at nitrogen in a couple of different ways with the various water resources objectives. He said that water resource objective WR1 requires the Project to meet 5 parts per million or five milligram per liter site wide nitrogen loading. He said that is different from what we are talking about here. He said the proposed-on site wastewater system where we're talking about 11 milligrams per liter, which is the actual nitrogen concentration in the effluent that is coming directly out of the septic system. He said we have the numbers for the site wide nitrogen loading as well and they are less than that 5ppm threshold. So, this this is a high performing septic system and certainly the lowest permitted effluent that's currently permitted through mass DEP for systems of this size.

The Chair recognized Cathy Ledec who said that her questions focus on 4 areas and are intended to address technical areas that seem to have some gaps. Ms. Ledec said that it is important that the

windows on the proposed building are made of bird safe materials. She asked if the applicant is familiar with how to mitigate this and was this discussed during the subcommittee and would like to see a commitment to installing feather friendly decals on the window. She said that if the windows are fully screened, those screens are considered bird safe materials, so she is interested to know if the plan is for the windows to be fully screened. She also said that the lighting should be downward directed with no spillover lighting upward or onto adjacent properties. She would like to hear from the applicant and or subcommittee on this.

The Chair said that we would not discuss this because it is not within our review standards. He said we look at compliance with the RPP which includes wildlife and plant habitat but not the design of the building or making the windows bird safe.

Ms. Ledec said that she will take that under advisement.

Ms. Ledec said that the next area relates specifically to the wetland resources wildlife and plant habitat, stating that not restoring the wetland buffer area is contrary to the wetland resource's goal. She said that both plans show new pavement in the wetland buffer and plenty of native species would restore the wetland area. She asked for comments from the applicant.

Jason Kroll, Horsley Witten said that the small portion of the buffer area is bisected by route 6A, will be replanted. As far as buffer to the actual wetland, there is not strong benefit because there is a roadway between the wetland edge and the buffer located on the property.

Ms. Ledec discussed the landscaping plan. She indicated the importance of native species and thanked the applicant but doesn't see a reference to biodiversity in what is being planted. Ms. Flores said that the plan does show biodiversity, and the plant list is shown on the right side of the site plan.

The Chair asked Ms. Ledec to address him with questions and he will bring them to the applicant to avoid confusion with who is answering the questions.

Ms. Ledec asked about the Open Space waiver and how that is being calculated. What is the value if mitigation would be made? Mr. Peterson said the applicable figure for the Town of Sandwich is around \$48,000 per acre and it's 12,408sf so it's approximately \$11,000.

The Chair recognized Mr. Okun. Mr. Okun asked about the site plans and variances, asking if they are difficult to get? He asked what if you don't get that approval?

Ms. Flores said there is a very small difference between the 2 plans, and we are at the southeast corner of the building, the preferred plan only 11 feet from that property line. The underlying zoning district there wouldn't be a side yard setback. However, there is a provision in the local zoning that says if it's residentially occupied, the immediately adjacent property that were to achieve a 20-foot setback, that would be 8' x 8" that we would be seeking the variance for. To achieve that due to the topography, we would need to construct a retaining wall, which adds expense to the property, obviously, and lose 2 of the 57 proposed parking spaces, which again are under the requirement, although we can achieve that permission with a special permit, not a variance. With a variance criterion under the zoning bylaw, we would beat the topographical reasons justifying the variance as well as the hardship, particularly where this is a nonprofit organization. She said we are hopeful but

can never be confident that a variance would be granted, but I think it does meet the criteria. She said we do have that fall back plan.

Mr. Okun asked if the occupying neighbor is the reason for the variance, and asked if they been in touch with this neighbor for their input and approval on this?

Ms. Flores said that they have not but obviously will get notice of these hearings and which will at the zoning level. We have reached out to identify that they are residentially occupied. Ms. Gardner added that she did meet with a resident, and she was very supportive of the Project.

The Chair recognized Ernest Virgilio. Mr. Virgilio said that this is a very important project. He asked if this was a 24/7 operation. The applicant said the hours of operation are 8:00 a.m.– 6:00 p.m. Mr. Virgilio asked if the applicant could provide information on a backup generator. Mr. Siroonian, the Architect stated that a yes there is a generator. Limited services would be provided if the power went out. Mr. Virgilio asked how the generator would be fueled and the applicant said it would be by natural gas. Mr. Virgilio was pleased to hear that as he feels that this is important.

The Chair recognized Ms. Taylor. Ms. Taylor asked for landscape plan to be displayed. She asked what are you using for lawn. Mr. Kroll stated that there are different types of grasses and some planting beds next to the building. Ms. Taylor asked what treatment will be used for invasives and Mr. Kroll stated that most of it will be done mechanically. If necessary along the property line, they would use chemical means whether it's cutting and treatment of some type of foliar spray.

The Chair recognized Jackie Etsten had a comment about site plan. She noticed a steep slope and retaining wall with concrete blocks. She feels that concrete blocks are not suited for Old Kings Highway. Mr. Kroll said that there is a retaining wall proposed on the northern proposed property line which abuts the drive as it goes to Tupper Road. Near Route 6A there is a decorative retaining wall where there a picnic table and seating area which will be a modular block type wall. If it's an issue, we can address that with Old Kings Highway. Ms. Etsten asked if Sarah Korjeff had any insight to this feature. Ms. Korjeff said that we did not look at the specifics of the proposed retaining wall because Old Kings Highway Sandwich Committee will be reviewing this.

The Chair closed members comments. The Chair asked for State, Federal, and Local Official comments.

Leanne Drake of the Town of Sandwich Planning Department expressed support of the Project. She said that she met with the applicant in the spring for a site plan review. The town laid out the permitting required at the local level. She said, since then, we reviewed its compliance to the LCP approved in August by the Cape Cod Commission. Ms. Drake said the project substantially conforms with our natural systems goals, with our water resource goals and our wetlands resource goals and the project will go through review from the Conservation Commission for their compliance. It

substantially conforms community system goals, including but not limited to our cultural heritage goal because the site is located, as was previously mentioned, within the Old Kings Highway District. The design that has been proposed is very respectful of the historical area and it also is compliance with our housing goal and with the creation of two workforce housing apartments. The project helps contribute to our economy goal with the creation of 40 new 40 new high publicity jobs. The health, the health care center represents 32% of sandwiches employment right now, this is a this is a great spot for it. She said the Project is consistent with our built system goals for our energy goals with the inclusion of solar and electrical vehicle charging stations and then the fact that the structure will also be of an LEED silver construction standard. Overall, the Town believes that this project substantially conforms with our LCP and our local regulations, and we look forward to working with the team further on this.

The Chair asked for Public Comments:

Ben Lasota, an abutting neighbor, said that he is a patient at Community Health Center and appreciates the wonderful care he has received. He asked about the number of parking spaces, as there are 57 spaces, and 40 staff members, have provision been made such as offsite parking? He mentioned other medical facilities nearby and the problem that limited parking has created. He said that we did not meet parking requirement in sandwich because there is not nearly enough parking.

Seeing no further comments, the Chair closed public comments.

The Chair asked for final comments, from staff or applicant. The Chair recognized Alex Peterson who commented on the landscaping plan. He said staff did review it thoroughly and the species that were included are either ones that are on the list of species that the Commission recommends for low impact development or because they are native species appropriate to the region and or they are native as well. In terms of the seed mixture, staff was also comfortable that it was a good collection of grasses, and it would be in limited areas on the site consistent with our objective to minimize new lawn area and generally staff were we were pleased with that. He said staff recommends that it is consistent with the relevant goals and objectives and technical bulletins.

The Chair recognized Stephen Mealy who echoed colleagues and complimented the presentation. He asked if the traffic study was done in March or was it the one with the report. Daniel Lacivita said that traffic study was published in July 2024 counts were completed in March 2024 – as part of study adjustments were made to consider peak season. Mr. Mealy asked if the electric vehicles spaces could increase 8 instead of 4 to consider employees and asked if fast charges been incorporated. Ms. Flores stated that providing the four is not a problem because it is subject to that capacity and the capacity remains unknown until the site is fully operational. Mr. Siroonian added that they haven't gotten into the exact power requirements at this point and cannot make a commitment.

Mr. Mealy asked for 8 stations and if the possibility exists for carrying 10 if there are two fast charges.

The Chair recognized Mr. Druley who said that he installed a single fast charger that has 2 handles and that was part of the recommendation that the applicant may not need to install 8 charges, but they could install 4 with 2 handles.

Seeing no further questions or comments, the Chair asked for a motion.

Upon a motion to approve the Sandwich Community Health Center Development of Regional Impact and adopt the draft decision as presented by Kevin Grunwald seconded by Elizabeth Taylor the motion carried. Roll call vote was as follows: Catherine Ledec, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; John Druley, Yes; Jacqueline Etsten, Yes; Ernest Virgilio, Yes; Douglas Fromm, Yes; Peter Okun, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Dennis Prebensen, Yes; John Harris, Yes

Procedural Denial, 340 MacArthur Boulevard, Bourne, MA: The proposed Development of Regional Impact is currently pending before the Cape Cod Commission. The Commission will consider and may vote whether to procedurally deny the Project without prejudice pursuant to Section 13 of Chapter A, the Enabling Regulations Governing Developments of Regional Impact.

Project: 340 MacArthur Boulevard (CCC File No: 24010)
Project Applicant: Luciana Olivera; Cape Cod Trailer Storage
Property Owner: MacArthur Park Place, LLC
Project Location: 340 MacArthur Blvd, Bourne MA 02532
Map/Parcel: 31-4-15
Project Description: The proposed redevelopment of an existing 24,379+/- square foot structure on a 7.9-acre parcel on MacArthur Boulevard in Bourne. There is an existing DRI Decision on the property (CCC File No. 02018). The redevelopment proposes an industrial and wholesale use within the structure and outdoor area.

The Chair asked for the applicant's presentation.

The Chair then asked for staff comments.

Jordan Velozo, Chief Regulatory Officer said that she is presenting on a Development of Regional Impact that qualifies for a procedural denial without prejudice. She explained the procedural denial stating that we are not evaluating the merits on the Project. She provided an overview of the Project, the procedural history. She said the Applicant was informed of this information. She explained grounds for a procedural denial, stating that it was appropriate for this Project. Ms. Velozo said that she expects that the Commission will receive an application on this Project in the future. She said, if procedurally denied, a Decision would be recorded against the Property.

The Chair asked if the applicant was available to speak. The applicant was not present.

The Chair asked for State, Federal or Local comments.

There were none

The Chair asked for public comments.

There were none.

The Chair asked for questions from members.

There were none.

The Chair asked for a motion.

Upon a motion to deny without prejudice the 340 MacArthur Boulevard Development of Regional Impact by Stephen Mealy seconded by Dennis Prebensen the motion carried. Roll call vote was as follows: Catherine Ledec, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; Richard Roy, Yes; John Druley, Yes; Jacqueline Etsten, Yes; Ernest Virgilio, Yes; Douglas Fromm, Yes; Peter Okun, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Dennis Prebensen, Yes; John Harris, Yes

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

Cathy Ledec asked Ms. Senatori discussed focus groups for RPP – could she describe process so that experts could participate.

Ms. Senatori said that public comments continue to be open so that the public can provide that feedback. She said that they have identified areas of the RPP for the update. Moving forward – they are working to shape draft for consideration and looking to incorporate diversity of feedback as possible.

Meeting Adjourned:

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the Cape Cod Commission a 4:46 p.m. by Ronald Bergstrom seconded by Stephen Mealy, the motion carried. Roll call vote was as follows: Catherine Ledec, Yes; Stephen Mealy, Yes; Elizabeth Taylor, Yes; Tom Wilson, Yes; John Druley, Yes; Jacqueline Etsten, Yes; Douglas Fromm, Yes; Peter Okun, Yes; Harold Mitchell, Yes; Kevin Grunwald, Yes; Dennis Prebensen, Yes; Ronald Bergstrom, Yes; John Harris, Yes

Documents used/submitted at the December 5, 2024 Cape Cod Commission Meeting

Cape Cod Commission Meeting Agenda December 5, 2024

Draft meeting minutes from the October 31, 2024, meeting

Power Point Presentation prepared by Cape Cod Commission staff inclusive of all agenda items

Sandwich Community Health Center, 10/23/24

Sandwich Community Health Center, DRAFT DRI Decision, Revised, 11/21/24

Approved by the Cape Cod Commission on 1/02/25