Approved: 3/5/2026

CAPE COD COMMISSION

26 Shank Painter Rd (CCC File No. 25017) Development of Regional Impact Review Subcommittee Meeting

Minutes | Thursday, February 12, 2026 at 3 p.m.

Virtual, Via Zoom

Summary of Actions Taken:

- The subcommittee heard presentations from the Applicant, Commission Staff, and public comment and discussed the project.
- The subcommittee voted to approve prior meeting minutes for December 10, 2025 and January 27, 2026.
- The subcommittee voted to recommend the draft decision approving the Project with conditions, as discussed and amended for approval by the full Commission.
- The subcommittee voted to continue the hearing on the Project to the regularly scheduled meeting of the full commission on Thursday, March 5, 2026 at 3 p.m. to be held in a hybrid format in person at the Mary Pat Flynn Conference Room, 3195 Main Street, Barnstable, MA 02630 and online via Zoom.

The Chair, Peter Okun, opened the Subcommittee meeting.

Mr. Okun said that the meeting is being recorded for the purpose of taking minutes. He asked that anyone else recording announce themselves. No one responded.

Mr. Okun announced that the Cape Cod Commission is holding this Development of Regional Impact Subcommittee Hearing on the 26 Shank Painter Rd Housing project (Commission File Number 25017), which proposes a new four-story building containing 40 home ownership units.

He noted that anyone wishing to testify will be welcome to do so during the public comment portion of the meeting.

The Chair took the roll:

- Peter Okun, *Chair*, Present
- Douglas Fromm, Present
- Kevin Grunwald, Absent
- David Mead-Fox, Present
- Michele Vion, Present

Approval of the Prior Meeting Minutes

The Chair asked for a motion to approve minutes from the December 10, 2025 Subcommittee Meeting on the Project as written. Michele Vion moved to approve, Doug Fromm seconded the motion. A roll call vote was taken:

- Peter Okun, *Chair*, Yes
- Douglas Fromm, Yes
- David Mead-Fox, Yes
- Michele Vion, Yes

There were 4 yes votes. The minutes are approved.

The Chair asked for a motion to approve minutes from the January 27, 2026 Subcommittee Meeting on the Project as written. Michele Vion moved to approve, David Mead-Fox seconded the motion. A roll call vote was taken:

- Peter Okun, *Chair*, Yes
- Douglas Fromm, Yes
- David Mead-Fox, Yes
- Michele Vion, Yes

There were 4 yes votes. The minutes are approved.

Staff Presentation:

Using a slide presentation, Alex Peterson, Legal and Regulatory Specialist with the Cape Cod Commission, reviewed the project description and its procedural history. He described the standards for DRI approval and noted that the subcommittee had found the project to be consistent with all relevant standards, noting that there was no District of Critical Planning Concern that needed to be considered.

He stated that the subcommittee had instructed Commission staff to draft a DRI decision document that would include findings that RPP Goals related to water resources, coastal resiliency, energy, community design, transportation, climate mitigation, and housing were applicable, material, and regionally significant, and the Project is consistent with these goals and relevant objectives.

Mr. Peterson also reviewed the probable project benefits and detriments.

After consultation with the Applicant, minor revisions were made to the Benefits. The term "Workforce" was added to the benefit related to the provision of "10 units in a 40-unit building to be deed restricted as Affordable **and/or Workforce**, which significantly exceeds the number of Affordable**/ Workforce** units otherwise required. . . " The term "Workforce" was similarly added to the Finding F56. This adjustment in the terminology more accurately describes range of income levels that may be served by this housing.

In addition, the second benefit described was modified to omit the reference to a specific number of additional deed restricted units based on income, year-round occupancy, and/or

for municipal employees. The Applicant recommended the omission of a specific number to offer some flexibility in their on-going discussions with the city regarding the deed restriction details.

Mr. Peterson explained that some proposed detriments were not included in final list of probable detriments. Generally, the items that were omitted were outside of the standards and requirements of the RPP and the technical bulletins. These items included:

- The absence of roof top solar from the proposal
- The location of mechanical equipment on the first floor
- The level of LEED certification being pursued

Mr. Peterson said that based on the findings, the project meets the standards and is consistent with the RPP.

He continued to review some of the Conditions in the draft Decision. He reviewed C10 and C11 which require deed restrictions for Affordable and income-restricted unites to be in draft prior to Preliminary Certificate of Compliance (PCOC) can be issued and a final executed deed restriction prior to a Final Certificate of Compliance (FCOC). Likewise, C12 and C13 require a draft Condominium Master Deed reviewed by Commission staff for consistency with Housing finding H59 prior to the issuance of a PCOC and a final Condominium Master Deed to be reviewed and approved by the Commission prior to the issuance of an FCOC.

C15 outlines the requirements associated with the implementation of a Transportation Demand Management program including the designation of a Transportation Coordinator responsible for a prescribed list of duties and the installation of at least 46 external bicycle racks.

C16 sets as a condition of the issuance of FCOC that the Applicant shall either install rooftop panels or provide documentation of a green power purchase agreement to purchase 100% renewable power for all common areas under control of the condominium association established by the Condominium Master Deed. Mr. Peterson explained that this condition falls within the limit of what the Commission can request in the context of Objective EN1. It is consistent with the EN1 methods identified in the Technical Bulletin and conditions imposed on similar projects.

Applicant Comments:

The Chair recognized Eliza Cox of LaTanzi, Spaulding and Landreth, representing the Applicant, Ecotekture Salient Partners, LLC. Ms. Cox stated that they had no further changes to the draft decision and were comfortable with the decision as presented by Commission staff.

Christine Barker, Principal, Ecotekture Salient Partners, LLC reiterated that they had no further comments and thanked the Subcommittee members and the Staff for their efforts.

Subcommittee Discussion:

Peter Okun (Chair) asked whether there were specific requirements on EV charging stations in the Technical Bulletins. Mr. Peterson responded that EV standards would be addressed under the Energy Technical Bulletin, however, there are no specific requirements for charging stations. Proposals like the installation of EV charging stations are a method that may be employed to meet the requirement but is not considered a requirement.

The Chair observed that the project does not necessarily have a dedicated parking space for EV charging – a single, non-accessible space for EV charging and that is supposed to be the comment parking space for everybody in the building to use. He asked the Applicant to consider the possibility of putting an EV charging station at the municipal parking lot across the street. Christine Barker responded that it could be considered and that she is willing to have that conversation with the town. She further noted that it would be up to the Condo Association to figure out how to address the on-site EV parking.

Eliza Cox pointed out that the way the design was contemplated for the on-site EV station was that it would have a plug with a long enough cord to access the handicapped space as well.

David Mead-Fox asked whether the Technical Bulletins defined the minimum standards.

Alex Peterson confirmed that was the case.

Mr. Mead-Fox suggested that a change in standards would require an amendment of the Technical Bulletin. He asked whether there is anything prohibiting the Commission from suggesting that a higher standard that is not being met might be considered a detriment, even though there is a minimum standard identified in the Technical Bulletin.

Jordan Velozo, Chief Regulatory Officer for the Cape Cod Commission, responded that there is no strict prohibition on doing that. However, if they meet the standards of the RPP and the Technical Bulletins, the failure (absence) of exceeding the standard cannot be identified as a detriment. That would not be likely to be upheld legally. If an Applicant goes above and beyond the standard, that proposed action could be considered a benefit.

Mr. Mead-Fox suggested that the subcommittee identify some elements as detriments to highlight an area of concern and build a case for revising the Technical Bulletin. Ms. Velozo responded that to make a change in our expectations for Applicants, we should use a formal process to review and revise the Technical Bulletins. That would be the appropriate way to do it.

Mr. Mead-Fox further suggested that other probable detriments outside of existing minimum standards cannot be limitations of regulatory review. Ms. Velozo responded that because this is regulatory review, we are looking at whether they have met the legal standard. Applicants need to have clarity about what to expect when they come into DRI review.

The Chair asked whether the lack of a sufficient EV parking station can be a legitimate detriment to include on the list of probable detriments. Alex Peterson responded that the

same analysis would apply – where there is no minimum standard for how many spaces or how long spaces have to be available, you can note the concern but not include it in the Decision document as a probable detriment.

Michele Vion expressed concern about removing the number "20" from the finding regarding the number of deed restricted units and asked whether there was one of the conditions tied to it. Mr. Peterson responded that the conditions do not reference the number. Both findings and conditions require that they will provide the documentation of the deed restrictions – no less than 10 deed restricted units with no upper limit on the number of deed restricted units beyond that.

Christine Barker noted that they omitted a specific number to give the town greater flexibility as they work with the Applicant on the deed restrictions. The number of deed restricted units will absolutely meet the Commission's standards. They are trying to produce the maximum amount at the minimum price.

Doug Fromm asked for an explanation of the role of the transportation coordinator identified in F40. Mr. Peterson responded that the transportation coordinator could be any individual who might monitor the use of those parking spaces or deliveries, prepare and communicate rules for building residents. That role would likely be fulfilled by a member of the Condo Association Board. Mr. Fromm observed that he continues to be concerned about how this position will address the concerns with that one spot and how it would actually operate.

Mr. Fromm asked for more information about submetering for the units consistent with EN3. Ms. Barker responded that they are working with their MEP team to figure out what that might look like. She noted that the new building is designed to be energy efficient and does not anticipate that utilities will be expensive.

Public Comment:

Federal, Local, and State Officials

The Chair asked for comments from any other federal, local, or state officials.

There were none.

Public

The Chair opened the hearing for comments from members of the public.

There were none.

Further Subcommittee Discussion:

The Chair stated that he felt the benefits outweighed the detriments and noted that the town was very enthusiastic about the project. He pointed out that the project will still need to move through the town boards.

The Chair asked for a motion to recommend the draft decision approving the Project, with conditions, as discussed and amended for approval by the full Commission.

Michele Vion made the motion. Doug Fromm seconded it.

The Chair took the roll call vote:

- Peter Okun, Chair: Yes.
- Douglas Fromm: Yes.
- David Mead-Fox: Yes.
- Michele Vion: Yes.

The vote is unanimous. The motion carries.

The Chair asked for a motion to continue the public hearing on the Project to the regularly scheduled meeting of the full Commission on Thursday, March 5, 2026, at 3 PM to be held in a hybrid format in person at the Mary Pat Flynn Conference Room, 3195 Main Street, Barnstable, MA 02630 and online via Zoom.

Michele Vion made the motion.
Doug Fromm seconded.

The Chair took the roll call vote:

- Peter Okun, Chair: Yes.
- Douglas Fromm: Yes.
- David Mead-Fox: Yes.
- Michele Vion: Yes

The vote is unanimous. The motion carries. The hearing is continued.

Materials Used:

- Applicant Presentation dated 2/12/2026
- Staff Presentation dated 2/12/2026
- Hearing notice for 02/12/2026
- Draft Prior Meeting Minutes for 12/10/2025
- Draft Prior Meeting Minutes for 01/27/2026