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CAPE COD COMMISSION

Minutes
Committee on Planning and Regulation (CPR) Meeting
September 19, 2019
Cape Cod Commission Offices, Ocean Room
3225 Main St., Barnstable, MA 02630

Elizabeth Taylor, Chair called the Committee on Planning and Regulation meeting to order on Thursday, September 19, 2019 at 1:00 p.m in the Cape Cod Commission offices, Ocean Meeting Room, 3225 Main Street, Barnstable, MA 02630. Roll Call was recorded as follows and a quorum of members was established:

Elizabeth Taylor, (Chair)	Present
John (Jack) McCormack, Jr. (Vice Chair)	Present
Jacqueline Etsten	Present
Harold Mitchell	Present
John Harris	Present
Tom Wilson, Alternate	Present

Cape Cod Commission Staff Present: Jessica Wielgus, Jonathon Idman, Kristen Clothier, Jordan Velozo, Lisa Dillon, Erin Perry

Summary of Actions Taken/Votes

- **Approval of Minutes:** The Committee on Planning and Regulations Minutes of the May 30, 2019 and June 27, 2019 were approved
- **Excel Switching Corp Corporate Facilities Project:** The Committee adopted the draft written extension decision and grant a 5-year extension of the Commission's decision and approval for the project to January 22, 2025.

Minutes of 5/30/19

Upon a motion to approve the Committee's meeting minutes of May 30, 2019 made by Harold Mitchell, seconded by John Harris, the motion passed unanimously. Jacqueline Etsten abstained from the vote

Minutes of 6/27/19

Upon a motion to approve the Committee's meeting minutes of June 27, 2019 made by Harold Mitchell, seconded by John Harris, the motion passed unanimously.

Excel Switching Corp Corporate Facilities (CCC File No: HDEX08020)

DRAFT

Ms. Taylor read the hearing notice for the matter. The property owner/ applicant Switch Gears LP is requesting an extension of the Cape Cod Commission decision for Excel Switching Corp Corporate Facilities (CCC File No. HDEX #08020), 75 Perseverance Way, Hyannis MA 02601 (Town Assessors Map 295 Parcel 11) for five (5) year to January 22, 2025.

Mr. Michael Princi, counsel for the applicant, proceeded with the applicant's presentation. Mr. Princi stated that about 10 years ago he was before the Commission and this project is an adjunct to the Commission's longstanding, overall approval for the Excel Switching Campus, which has mostly been built (including supporting infrastructure) with buildings in use. In 2009, his client was anxious to get the project approved and tenants were lined up for leases but ultimately didn't materialize and the project stalled. Much of the transportation infrastructure that the CCC discussed in the 2009 decision has already been constructed by the town or private parties. He ended by stating that the project still fits well into Hyannis: the site is commercial, and the two proposed office buildings are located within a developed campus.

Jon Idman stated that good cause needs to be shown for an extension. Staff put together a draft decision (attached) and staff is recommending that this extension is appropriate for the maximum allowed 5-year extension, as requested. The Commission reviewed what prejudice there might be to the public interest or to the Commission in granting an extension. Through private development and town efforts, much of the specific infrastructure contemplated and required in the decision has been constructed. What hasn't been constructed but is planned is a large MASSworks grant for sidewalks, etc. which the Town of Barnstable was awarded last year but is in the construction queue for the upcoming year. Another important thing for the Committee to review is the circumstances and if they have changed so greatly making the project undesirable or incompatible. This is not the case; it is for office use which is desirable in the project area. In the last finding of the draft decision. He ended by saying Staff recommends that the Committee adopts this draft extension decision and grant a 5-year extension to January 22, 2025.

Ms. Etsten stated that there was $125,000.00 required transportation mitigation in the original decision and asked if it had been paid. Mr. Idman stated that it has not been paid because the owner has not yet exercised the permit rights. Once the project is commenced, the mitigation will be paid at the juncture set out in the decision.

Tom Wilson stated that this project was approved under a prior Regional Policy Plan (RPP). Does staff have concern that the project will no longer align with the new RPP? Mr. Idman stated that the staff looked at the project in light of consistency with the new RPP, and believe that the project is consistent with the new RPP.

Mr. Princi added that the project will undergo site plan review by the town prior to commencement and during the review confirm that that the fire department and other town departments find the plan appropriate. He anticipates full compliance with Town.

Upon a motion to close the public hearing on the request by Jack McCormack, seconded by John Harris, the motion passed unanimously.

Upon a motion to adopt the draft written extension decision and grant a 5-year extension of the Commission's decision for the project to January 22, 2025 made by John Harris, seconded by Jack McCormack, the motion passed unanimously.

Public Comment

There was no public comment

New Business

There was no new business

Meeting Adjourned:

Upon a motion to adjourn the meeting at2:25 by Jack McCormack, seconded by John Harris, the motion passed
unanimously.

Respectfully submitted,

_____ _____
Elizabeth Taylor, Chair, Committee on Planning and Regulation Date

Documents used/submitted at the September 19, 2019 meeting

September 19, 2019 Committee on Planning and Regulation Agenda
DRAFT Minutes of the Committee on Planning and Regulation, May 30, 2019 and June 27, 2019
DRAFT Excel Switching Extension Decision