CAPE COD
COMMISSION

Minutes
Committee on Planning and Regulation (CPR) Meeting
Thursday, February 13, 2025

The Chair, Tom Wilson called the CPR meeting to order on Thursday, February 13, 2025 @ 1:00 p.m. he stated that this meeting is being held virtually as allowed pursuant to Chapter 20 of the Acts of 2021, as extended. If anyone wishes to speak, please raise your hand and wait to be recognized by the chair. For those online, to raise hand click on the "Participants" box on bottom of screen and then click "Raise Hand" in text box. For those who called in by telephone, press *9. You will be recognized by name when it is your time to speak. If anyone is having a technical issue, use either the chat box on your screen or email support@capecodcommission.org and staff will assist you. This meeting is being recorded for purposes of creating minutes. If anyone else is recording this meeting, please raise your hand and identify yourself now.

Jamie Perkins, Bourne Enterprise stated that she was recording this meeting today.

The Chair said that because members are remotely participating, we will be taking a roll call vote on each action we take today. The names of members who are remote participating will be announced as attendance roll call is taken.

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

Tom Wilson (Chair)	Present
Elizabeth Taylor	Present
Jacqueline Etsten	Present
Harold Mitchell	Present
John Harris	Present
Doug Fromm (Alternate)	Present

Summary of Actions Taken/Votes

- The Committee on Planning and Regulation voted that the proposed modification does not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and the Regional Policy Plan
- The Committee on Planning and Regulation voted to approve the Minor Modification Type #2 to the Canal Street Crossing Development of Regional Impact and direct staff to draft a modification decision for the Chair's signature

The Chair read the following agenda item:

The Chair said that the committee will review and consider whether to approve a minor modification type #2 to the development of regional impact decision for the following project which was discussed at the October 31, 2024 meeting of this committee.

Canal Street Crossing Minor Modification: The Committee will review and consider whether to approve a Minor Modification Type # 2 to the Development of Regional Impact (DRI) decision for the following Project, pursuant to Section 11 of Chapter A, the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact:

Project:	Canal Street Crossing (CCC No. 19007)
Address:	21 Hunters Brook Road, Sagamore Beach, MA 02562
Applicant/Owner:	21 Hunters Brook Rd. Inc
Assessor's ID:	Map 11 Parcel 27

The approved Development of Regional Impact consists of a medical office building, an assisted living facility and fifteen (15) townhouses. The requested modification would decrease the size of the medical office building, eliminate the assisted living facility, and add seventeen (17) townhomes to the Project.

The Chair asked for the applicant's presentation.

Attorney Eliza Cox thanked the committee for their time today. She introduced Greg Wirsen, Vice President of Greenseal Environmental, and Emily Buck, Traffic Engineer, Bowman. Attorney Cox said that this proposed minor modification #2 was heard by the committee on 10/31/24. As in the material submitted, the proposed changes do not change the impacts from the existing approval of the project. She explained that the proposed changes will result in a reduction in density, a reduction in building height, an increase in on site solar, a reduction in impervious surfaces, a reduction in the number of overall residential dwelling units, a reduction in overall traffic, a reduction in wastewater generation including nitrogen loading, a reduction in water usage. She said there will be no changes to the access egress locations, no changes to impacts to the bordering vegetated wetland and its buffer zones. Ms. Cox said that when the Committee evaluates modifications, the applicable standard for consideration is set forth in Section 11 of the Enabling Regulations, which states that a proposed modification can be characterized as a type 2 minor modification, as in the case the modification involves, a minor change of use, a minor change to the site plan or a small change to the findings and conditions of the original approval which do not affects the intent or outcome of the finding or condition. The Enabling Regulations in Section 11 also give guidance as to what is a small or minor change within the meaning of the language I just quoted. The regulations state that a proposed change shall not result in different or increased impacts to the resources protected by the Act and or RPP.

Attorney Cox stated that at the initial meeting last October, the Committee had some questions as to whether removing the 90-bed, four-story, approximately 90,000-square-foot assisted living facility and replacing it with 17 townhomes was more than a minor change of use. After that meeting, she said they submitted a memo dated December 19th and she said they suggest that this project does not involve a change of use as that term is defined in the Commission Regulations. She said the project remains a mixed-use development. The modifications that are proposed reduce the size and scale of the medical building and result in fewer residential dwelling units. The number of residential dwelling units resulted in a reduction from 120 approved bedrooms on the site to 52 approved bedrooms. She said in terms of transportation, at the initial meeting, there was some discussion about transportation and as we indicated at that meeting, the proposed modifications will decrease

transportation impacts on the regional roadway network at all critical times. That included daily trips, AM peak hour trips and PM peak hour trips. However, at that meeting in October, several members questioned how the proposed changes would impact the Hunters Brook Rd driveway and intersection. Atty Cox added that Hunters Brook Rd is a local not a regional roadway. This will be considered when these modifications go back to the Town of Bourne Planning Bord to amend the existing site plan special permit. She said the initial public meeting in October, the Committee has also received an e-mail from the Bourne Town Planner confirming that the review of the proposed modified impacts, including traffic, will be part of the local review when we submit to the Town of Bourne to amend that site plan special permit. She asked Emily Buck to speak on the memorandum she submitted on 2/3/25 on this topic.

Ms. Buck, Project Manager with Bowman reviewed the findings in their memo and the supplemental analysis. She said that overall, the trips associated with the project are going down as part of the modification. Due to the number of condo units there was a slight increase, specifically to the driveway at Hunters Brook Rd. In terms of the analysis findings presented as part of the original application, we found that with the additional trips at Hunters Brook Rd. exiting there, we would still maintain a level of service with both peak hours with a very minor increase in delay and by very little, less than one second. Those would all be internal delays at Hunters Brook Rd and would have no impact to the flow on Hunters Brook Rd itself, those would remain internal to the Project Site.

Attorney Cox said that coming back to the standard, as Emily indicated, the added delay is less than actually less than 1/2 of one second, which if you tie that back to the Enabling Regulations, is not a proposed change that results in different or increased impacts to the resources protected by the actor RPP. Atty Cox said that she set forth in her memo of December 19th, she thinks that when the Commission considers these types of modification requests, whether it be this one or any type of modification, it does so through the lens of what the Commission's regulatory purposes to review and consider a project's regional impacts. It isn't to duplicate the role that its local site plan review process plays out. To the extent that you are concerned about public input or process she referred to the town planner's e-mail confirming that these proposed modifications will require a public hearing through the town of Bourne as we seek to amend the existing site plan special permit and, and we look forward to that discussion. From your standpoint of the regional review and consistency with your regulations, we respectfully suggest that the proposed modifications, because the proposed modifications either maintain or reduce regional impacts and do not result in any different impacts to any regional resources, that this should be consistent with the staff's recommendation in the October 25th staff report approvable as a Type 2 minor modification. Attorney Cox referred to Mr. Wirsen.

Mr. Wirsen said that they took care in preparation of the application from every aspect from the traffic variables, wetland resources, and aesthetics to do everything to lower impacts.

The Chair asked for staffs presentation.

Using the power point, Jordan Velozo reviewed what was approved in the original DRI, the proposed modification and the net changes. She said that the primary change to the approved DRI is the elimination of the 90-bed assisted living facility. The associated changes to the site plan would not increase impervious coverage or impacts at resource areas. Results in a decrease in wastewater, onsite wastewater treatment facility replaced with an A/I system. She said that the standard for approving a minor modification is to find that the proposed modification is substantially similar to the approved DRI, it would not result in different or increased impacts to the resources protected by the Act or RPP. She said that technical staff reviewed the proposal and confirmed that there are no

different or increased impacts to community design, transportation, natural resources, open space or wetlands. She then asked Colleen Medeiros to speak to the transportation concerns raised at the prior meeting on the matter.

Collen Medeiros said that we have reviewed the project and materials submitted and appreciate the additional information regarding trips to the site. The project as proposed now will be a reduction in overall vehicles to the site. Concerns came up about impacts to Hunters' Brook because of the additional condos, the applicant was responsive in providing additional analysis. Staff are comfortable that this is an overall decrease of traffic to the area and is comfortable with the proposal.

Ms. Velozo said that to approve the Minor Modification Type 2 the Committee would need to find that the proposed modification is substantially similar to the approved DRI. It would not result in different or increased impacts to the resources protected by the ACT or RPP and staff do suggest that you could probably properly find that this Project meets that standard.

The Chair asked for Member questions/comments:

The Chair recognized Jackie Etsten who said that she has concerns with that back lot line where you're bringing parking right to a neighborhood lot without any landscaping or set back knows the parking behind the building. She feels that the neighbor should have to have parking right to their lot to their lot line. Ms. Velozo said that the prior approved plan had the parking against the lot line and would not consider this to be a regional issue. Mr. Wirsen added that it is less parking than in the original proposal. He said that there is an agreement with the abutter and there are legal documents for walls and rip rap slopes to help hold back the reciprocal slope easement. They have been involved throughout the process and have attended several meetings.

The Chair recognized Harold Mitchell who had concerns that traffic studies were old and needed updating. He saw the supplemental traffic study from Bowman and has reviewed the letter by Attorney Cox land feels that his concerns have been answered. He is ready to move forward with a minor modification.

The Chair asked for comments from Federal, State and Local officials.

There were none

The Chair asked for Public Comments.

There were none

The Chair asked for final comments from members.

Ms. Etsten asked if abutters were notified of the modification? Ms. Velozo said that abutter notifications did not go out for this meeting. The rationale behind that is that this is not a major change. Attorney Cox said that notifications will be sent for public hearings through the Town of Bourne for a work permit. Mr. Wirsen said that there has been robust notification to the abutters about this process.

Upon a motion to find that the proposed modification does not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and the Regional Policy plan by

Harold Mitchell, seconded by John Harris, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Elizabeth Taylor, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes

Upon a motion to approve the Minor Modification Type #2 to the Canal Street Crossing Development of Regional Impact and direct staff to draft a medication decision for the Chair's signature by Harold Mitchell, seconded by John Harris, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Elizabeth Taylor, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes

New Business:

There were none.

Meeting Adjournment

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 1:30 made by Jacqueline Etsten, seconded by John Harris, the motion carried. Roll call vote was as follows: Tom Wilson, Yes: Elizabeth Taylor, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes

Documents used at the February 13, 2025 CPR meeting

- Agenda, February 13, 2025
- Meeting Power Point prepared by Cape Cod Commission Staff inclusive of all agenda items

Approved by the Committee on Planning and Regulations on:_____