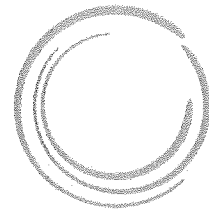


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CAPE COD
COMMISSION

Minutes
Cape Cod Commission DRI Subcommittee Hearing
Canal Street Crossing (CCC File No. 19014)
Hunter's Brook Road/ Canal Street, Bourne (Sagamore Beach)
May 15, 2019, 5 PM
Bourne Community Center, 239 Main Street, Bourne (Buzzards Bay), MA 02532

Subcommittee Members: Harold Mitchell (Chair); Ronald Bergstrom; Fred Chirigotis; John Harris; Stephen Mealy.

Commission Staff: Jonathon Idman, Michele White, Kristen Clothier, Steven Tupper, Colleen Medeiros

A quorum of subcommittee members present, Mr. Mitchell opened the hearing at 5 PM by reading the hearing notice for the project.

The subcommittee members then introduced themselves (Mr. Bergstrom had not yet arrived for introductions but arrived at 5:04 PM prior to the Applicant's presentation of the project).

Mr. Mitchell called for the Applicant's presentation.

Attorney Eliza Cox, representing owner/Applicant 21 Hunter's Brook Road Inc., introduced the project and provided an overview/history of the planning of the project and how the project had changed during pre-permitting discussions with Cape Cod Commission (Commission) staff and residents/neighbors. She said that the Applicant had had many meetings with neighboring property owners. Some of the changes she referenced included those associated with vehicle access to the site, vegetated buffers, and reduction in the number of proposed residential units. She said that she felt the project had been improved because of such input and project changes, and that the pre-permitting discussions with Commission staff were a model for how such discussions should proceed under the newly adopted 2019 Cape Cod Regional Policy Plan (RPP).

Project principal Greg Wirsen (who is also a principal of Green Seal Environmental providing consulting services for the project) presented a detailed description of the project, using a Power Point presentation (copy attached). Mr. Wirsen described the existing conditions of the site, including the wetlands portion of the site. He described the site in the context of neighboring uses and development. He provided an overview of the proposal: the number of residential units proposed; square footage of building floor area. He expressed that there was a need for the proposed senior care/residential uses given the region's demographics. He showed the

proposed building designs and said that the buildings were traditional Cape Cod architecture with their proposed roof designs, massings and finishes. He discussed zoning for the project, including the Senior Care Overlay District (SCOD) approved by Bourne Town Meeting in the last few years. He said that the project has been designed in accordance with zoning, including the SCOD, especially as the site transitions from commercial to residential uses from the northerly to the southerly part of the site. He also discussed how the project meets the vegetated screening requirements in the SCOD. He proceeded to discuss the proposed buildings individually (i.e. the medical office building, the assisted living building, and the detached duplex residences). He noted that the visual height of the medical office and assisted living buildings was reduced by the traditional rooflines employed, noting that appropriate design of these buildings is especially important as they would be visible from the Sagamore Bridge. He discussed the emergency access between the commercial and residential portions of the site. He suggested that direct economic benefits of the project were \$200-300K in additional tax revenues for the town and job creation (especially in the trades and professional services). He stated that he believes that the project will free up existing housing stock in other parts of the town for younger people.

He discussed the project's consistency with the applicable goals, objectives and technical bulletins related to the RPP. He began by discussing RPP "Natural Systems" issues. He discussed the project's consistency with nitrogen loading limitations, stormwater management requirements, and wastewater handling and treatment. He discussed the wetland on-site and discussed how the project was designed to minimize or avoid adverse impact to the wetland and its buffers, including the use of a clear span bridge over the wetland and proposed wetland planting/restoration in wetland buffer areas. He discussed that the site wetland and buffers would be placed under a perpetual conservation restriction, in addition to high value off-site open space land.

He discussed the "Built Systems" issues under the RPP, such as building and site design, and transportation. He re-iterated the "Cape Cod" design of the proposed buildings, and the lay-out of the site consistent with the surrounding context of use and development and with the SCOD zoning. He discussed the proposed mitigation approaches to handling transportation issues. He discussed the proposed energy conservation and generation features of the project, including: solar panels on the detached residences, power purchase agreement, LEED Certifiability of the medical and assisted living buildings, and 'Stretch Code' compliance of the age-restricted housing units. He said that panels were not proposed on the continued care retirement and medical office buildings because their traditional roof designs wouldn't facilitate the use of panels. He reiterated that the traditional roof designs were important to mitigate views of the building from off-site, including from the Sagamore Bridge. He also said that solar parking canopies in parking areas were infeasible given the potential conflict with the site stormwater management system elements.

He discussed the "Community Systems" issues under the RPP, such as housing. He discussed the need for housing units and affordable housing units outlined in the regional housing study the Commission had prepared in 2017. He said that the project would add to regional housing stock and free up existing stock, and that the Applicant had committed to providing affordable housing units on-site consistent with directives of the Housing Technical Bulletin.

He discussed the project's proposed open space mitigation approach in greater detail, including relative to the "Natural Area" Placetype set out in the RPP (the wetland and wetland buffer portion of the site is undeveloped and mapped as a "Natural Area," requiring a higher percentage of open space mitigation than other Placetypes). He said that the Applicant had

agreed to place areas on-site and off-site under permanent conservation restrictions. The on-site restriction would cover the wetland resources on-site; the Applicant has acquired land of high conservation value off-site and would restrict a portion of it to satisfy open space mitigation requirements over and above those requirements not satisfied on-site. The Applicant would also manage the wetland buffer for invasive species and restore such areas with native plant species. The proposed clear span bridge providing access to the north portion of the site is designed to avoid direct impact or disturbance to the site wetland.

He discussed the site wetland system in greater detail. He stated that an analysis revealed that the wetland was not of high resource value; no vernal pools are present. He noted that surrounding properties to the wetland are commercially developed and no contiguous wildlife corridor is present to which the site connects.

He suggested that the proposed off-site open space land is higher in conservation value than the site wetland system, including being mapped for priority habitat. The proposed off-site open space land is contiguous with other conservation land, this land located off MacArthur Boulevard in Bourne near the National Cemetery.

He discussed transportation issues in greater detail. He described the design principle behind separating access to the commercial northern part of the site from separate access to the residential southern portion of the site. He said that at one time, multiple site access points were considered along Hunter's Brook Road. He said that the Canal Street access was proposed as and limited to "right turn out" only. He said that there was no proposed commercial site access from Hunter's Brook Road. He said that the Applicant was committing \$50,000 in mitigation funds to the Cape Cod Regional Transit Authority for purposes of a transit stop. He said that the Applicant had prepared a full Traffic Impact and Access Study, and at the center of the Applicant's transportation mitigation plan is a "Travel Demand Management" (TDM) plan, which he added makes sense for the project because of the type of residents and users of the project and the Applicant's institutional control over the site and project. He discussed the full package of proposed transportation mitigation including adaptive signals and upgraded pedestrian features at certain intersections within the project's defined transportation study area. He said that the total monetized value of the mitigation package is approximately \$400,000. He reviewed proposed mitigation to every individual intersection in the study area where such mitigation was proposed.

He discussed housing in greater detail the Commission's regional housing study, and RPP housing Goal and Objectives. He said that the housing study and RPP recognize the regional capacity and demand for additional elder housing units of different varieties. He said that the Applicant has committed to provide affordable housing units in both the assisted living and detached residential buildings.

He described water resources issues in greater detail. He discussed the wastewater treatment facility proposed and the Low Impact Development-style stormwater management system features proposed.

He added that exterior lighting was designed to be 'dark sky' compliant.

He discussed working with neighbors on iterations of the proposal until arriving at the current proposal being considered by the Commission. He discussed the evolution of design regarding proposed site access points. He said that the total number of residential units was reduced from 20 to 15, essentially allowing for a greater vegetated buffer to remain along Hunter's Brook

Road. He said that the larger buildings on the site are located closer to neighboring commercial development rather than single family residences.

He discussed his conversations with the North Sagamore Water District regarding the adequacy of public water capacity for the project, and that the Applicant would be providing a 'water loop' in the public water service distribution system. Irrigation will be provided through private wells on-site.

He concluded by saying that the project was consistent with RPP and zoning requirements, and that the Applicant had addressed comments and concerns by neighbors, town officials and Commission staff in the current project design. He discussed the benefits of the project to the region, including with respect to housing.

Mr. Mitchell thanked Mr. Wirsen and introduced Commission staff for comments.

Michele White of Commission staff introduced other staff in attendance. She then provided comment based on the Staff Report dated May 10, 2019 prepared for the hearing. She provided an overview of the standards for DRI review. She noted correspondence from the Bourne Town Planner regarding the project's consistency with town zoning. She discussed the RPP's Goals and Objectives that are applicable and material to the project. She discussed surrounding types of uses and development to the site. She discussed the underlying zoning, including the SCOD and its purposes and requirements.

She proceeded to discuss consistency with the Goals and Objectives from the RPP applicable and material to the project, by relevant and associated issue area:

Economy – The project is mixed-use, and thus promotes variety and diversity in the local and regional economy. The project also has direct economic and fiscal (tax) benefits to the town and region;

Housing – The project supports the regional goal promoting housing diversity and choice. The project satisfies affordable housing requirements set out in the Housing Technical Bulletin by committing on-site units to an affordable housing restriction. She said that the Applicant is already working with local housing entities on draft restrictions;

Community Design – She said that the proposed traditional building designs are consistent with local and regional design contexts. She added that the site layout is compatible with surrounding development to the site. She discussed the appropriateness of the proposed landscaping, exterior lighting, parking and signage relative to the corresponding requirements in the RPP and Community Design Technical Bulletin. She said that the Applicant has provided a landscape maintenance protocol that includes the plantings associated with the site stormwater management system;

Energy – The Applicant is pursuing a variety of appropriate approaches. The Applicant proposes to enter into a power purchase agreement to secure at least 50% of its energy from renewable sources; the Applicant will install solar panels on several of the detached residential buildings; and the project design is LEED-certifiable and meets the "Stretch Code." The overall approach to meeting the RPP Energy Goal and Objectives was balanced with meeting the Community Design Goal and Objectives, with traditional building designs appropriate to the design context;

Water Resources – She said that the site does not contribute to any nitrogen-impaired watershed, is not within the vicinity of ponds, and is not mapped Wellhead Protection Area. She said that the calculated site-wide nitrogen loading and load from the wastewater system meets the limitation set out in the Water Resources Technical Bulletin. She discussed the proposed stormwater management, including that it is a low-impact type and provides water quality treatment;

Wetland Resources – She discussed the wetland and wetland buffer in the northwest portion of the site. She said that by virtue of this wetland area, this portion of the site was mapped as a “Natural Area Placetype.” She advised that emergency responders in the town had commented that they preferred access to the commercial portion of the site from Canal Street over the wetland. She said that waiver and flexibility from the RPP was necessary to allow disturbance of wetland buffer facilitating access over the wetland. She said that the Applicant had made its case for this relief: the proposed clear span bridge would not directly alter wetland; the proposed mitigation in the wetland buffer through invasive species management and restoration activities; and open space restriction. She also added that the proposed site access to the commercial portion of the site furthers other RPP goals such as community character protection and traffic access management.

Wildlife and Plant Habitat – She said that the Applicant was required to prepare a Natural Resources Inventory (NRI) of the site because it is mostly undeveloped and forested. She said that the NRI did not reveal any special habitats, conditions or resources like vernal pools; and that the site was not part of or contiguous with a larger open space or wildlife corridor off-site. She reiterated the proposed wetland restoration and invasive species management as beneficial to habitat.

Open Space – She discussed the proposed on- and off-site open space mitigation; and how the mitigation calculation was appropriately performed under the Open Space Technical Bulletin, considering “Placetype” mapping. She discussed particularly the high quality of the proposed off-site open space.

Transportation – She discussed the proposed site access off Canal Street and over the site wetland, as well as the single access off Hunter’s Brook Road to the proposed duplex residences. She discussed the safety of these site access points, and mitigation approaches to congestion management like pedestrian accommodations in the transportation study area. She said that the mitigation proposals were consistent with the state’s Canal Area study. She said that the site is near public transit and mitigation would be provided relative to transit; she discussed the TDM plan; she discussed adaptive signal technology proposed for Sandwich Road, subject to MA DOT review.

Following Ms. White’s completion of the Staff Report overview, Mr. Mitchell opened the hearing for public comment, beginning with public officials.

Selectboard member Jared MacDonald asked about whether solar lighting was proposed, and Greg Wirsén responded.

Mr. Mitchell then opened the hearing to comments from the general public.

Andrew Cunningham said he was an area resident and appreciated the outreach and iterative improvements in project design by the Applicant. He said that the Applicant had addressed most of his concerns. He said that he still thought Hunter’s Brook Road was too narrow and had

too little capacity for the proposed use. He asked for clarity regarding the location of the proposed access along Hunter's Brook Road and about construction scheduling.

Mr. Wirsen responded that the existing temporary access was essentially where the permanent access would be along Hunter's Brook Road. He also discussed the construction schedule and methodology should the project secure all its required approvals.

Tom Wynn praised the Applicant's presentation for its clarity, and said he was in favor of the project; he thought it was good for the town and community given the Cape's demographics and he urged the Commission to approve it.

Scott Froman said he lived in the neighborhood. He thinks the development footprint is too big and that the development is too much for the site. He said that he doesn't think assisted living is needed, said that assisted living was just developed in Buzzards Bay, and that a nursing home is needed. He said that he didn't think the project would serve locals. He questioned whether there was water capacity for the project. He said there is wildlife on the site. He said that he doesn't think the off-site open space serves those in the neighborhood.

Mark Melchionda, a Commissioner of the North Sagamore Water District, said that the district has been negotiating water use with the Applicant, the Applicant has incorporated measures that lower water under what was originally proposed, and the district has capacity to serve the project. He said the site was not in a "Zone II" area. He said that the Applicant had paid for a district capacity study. He also discussed that water pressure is good in the area and that the Applicant would be installing a 'loop' type service system.

Beth Russell said that she is a Bourne resident and business owner, and Chair of the Canal Region Chamber of Commerce. She said that she is personally and professionally excited for the project. She thought it was thoughtfully designed, and she discussed the need for senior care and residences in the community.

Mike Metcalf said that he lives on Hunter's Brook Road. He said the Applicant had addressed many concerns. He did question the number of bedrooms in the proposed duplexes. He does think that the project is "a lot" for the site. He said that the Applicant claims the project will benefit town residents, but he doesn't think that the project will be affordable for and thus will be used by Bourne residents. He said he understands, however, that the site will be developed with something and will not remain undeveloped.

Judy Froman said she is a neighbor. She said that she appreciates that the project has evolved, and that the Applicant has tried to address concerns. She said that she doesn't want to lose the large stand of trees on the site. She also has concerns about whether an assisted living use is needed; she said that a nursing home is needed.

Bob Gendron, one of the project principals, said he grew up in Bourne and is committed to it. He discussed permitting for nursing homes at the state level; discussed the economics of nursing homes; and also discussed that the zoning use table doesn't distinguish assisted living from nursing homes so nursing home-type units are still a possibility.

Dale Hatt, 80 Hunter's Brook Road, said he doesn't want the character of the Hunter's Brook Road neighborhood to change, which he thinks will because of traffic. He thinks the project will increase traffic and that a traffic signal is needed. He doesn't think that assisted living is needed, and he thinks even less will be needed after the Baby Boomer generation passes. He

doesn't think that the estimated \$200-300K in real estate taxes will offset increased associated municipal service costs. He says that GPS units already bring drivers into the neighborhood and that this would be worse with the project.

Scott Froman requested that the Commission not decide on the project until after the summer so that the Commission could review this summer's traffic. He said that there are already congestion problems and thinks the project will increase the problems. He said he was surprised that Bourne fire and police were not attending to provide comments on traffic.

Pat O'Connor said she was an abutter to the site and said she fully supports the project because of its high quality.

Public comments concluded. Mr. Mitchell asked whether any of the subcommittee members had questions or comments.

Ron Bergstrom described the DRI review process, and how the RPP sets out requirements. He said these requirements are intended to address many of the concerns that were voiced, and he recognized many of the requirements referenced in the Staff Report that the Applicant has committed to. He said that in terms of the proposed use, the economics of the use are at the risk of the Applicant and not an issue for DRI review.

Mr. Mealy discussed water service to the site, and Mr. Wirsen responded about the proposed system.

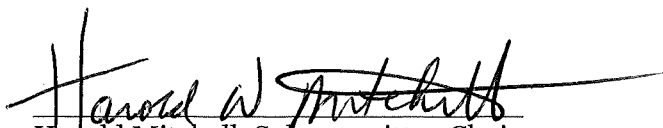
The subcommittee discussed with staff next steps in the hearing process and a continuance date for the hearing. The subcommittee recessed from 6:50 to 7:00 PM.

The subcommittee resumed and directed staff to prepare a draft DRI decision recommending approval of the project consistent with the staff report, to review at the next hearing on the project. Staff discussed that there was sufficient time in the DRI hearing/ review period to continue until July when all subcommittee members would be present. The subcommittee voted, on motion by Mr. Mitchell, seconded by Mr. Chirigotis, to continue the hearing on the project to Tuesday, July 2, 2019, 4:30 PM, Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630.

Scott Froman requested that the hearing be in the town of Bourne.

The meeting adjourned at 7:02 PM.

Respectfully submitted,


Harold Mitchell, Subcommittee Chair

7/2/19
Date