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CAPE COD  
COMMISSION

**Minutes**  
**Meeting of**  
**Cape Cod Commission**

October 17, 2013

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

| Town                    | Member              | Present |
|-------------------------|---------------------|---------|
| Barnstable              | Royden Richardson   | ✓       |
| Bourne                  | Michael Blanton     | ✓       |
| Brewster                | Elizabeth Taylor    | ✓       |
| Chatham                 | Vacant              | Vacant  |
| Dennis                  | Richard Roy         | ✓       |
| Eastham                 | Joy Brookshire      | Absent  |
| Falmouth                | Andrew Putnam       | ✓       |
| Harwich                 | Jacqueline Etsten   | ✓       |
| Mashpee                 | Ernest Virgilio     | ✓       |
| Orleans                 | Leonard Short       | ✓       |
| Provincetown            | Austin Knight       | Absent  |
| Sandwich                | Harold Mitchell     | ✓       |
| Truro                   | Vacant              | Vacant  |
| Wellfleet               | Roger Putnam        | ✓       |
| Yarmouth                | John McCormack, Jr. | ✓       |
| County Commissioner     | Mary Pat Flynn      | ✓       |
| Minority Representative | John Harris         | ✓       |
| Native American Rep.    | Vacant              | Vacant  |
| Governor's Appointee    | Vacant              | Vacant  |

The meeting of the Cape Cod Commission was called to order on Thursday, October 17, 2013 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

## ■ SUMMARY OF ACTIONS TAKEN/VOTES:

### **Falmouth Hospital Emergency Department Expansion**

The Cape Cod Commission conducted a public hearing on the Falmouth Hospital Emergency Department Expansion project. After closing the hearing and the record, the Commission approved the Falmouth Hospital Emergency Department Expansion project as a DRI Hardship Exemption Project of Community Benefit and approved the written decision, as amended, with 12 votes in favor and one abstention.

### **Area-wide 208 Water Quality Management Plan Update**

PowerPoint slide presentation update and discussion on the 208 Water Quality Management Plan process.

## ■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said the Cape-wide Fertilizer Management DCPC was passed by the Assembly of Delegates and now the Commission will begin discussions with Health Agents. He said he would update Commission members on that. He said the Lowe's project is in the decision period of the review process. He said materials filed into the record for the Lowe's project are on the Commission's website. He said the Sandwich Reset work continues with the town. The Commission is in the process of interviewing for an Environmental Economist position. He said the second Community PlanIt Game will begin on October 21 and said there is still time to register for the game. He said at the end of this event the Commission will be holding a watershed event on November 13 at the Cape Cod Museum of Art and stakeholders will be invited. He said at this event they would be discussing the next six months and the next steps in the process. He said on Monday, October 21 the Commission will start the second round of stakeholder meetings.

## ■ MINUTES

The minutes of the August 29, 2013 Commission meeting were reviewed. Michael Blanton moved to approve the minutes. John Harris seconded the motion. The motion passed with one abstention.

## ■ FALMOUTH HOSPITAL EMERGENCY DEPARTMENT EXPANSION HDEX13008

Chair Jack McCormack noted that this is a continued hearing from September 26, 2013.

Attorney Eliza Cox, with the law firm Nutter, McClennen & Fish representing the applicant, thanked Commission staff Andrea Adams and Jon Idman for their work on the project. She said the review period has been about two and a half months and she appreciates the expedited process. She said the applicant is pleased with the draft decision and said the project will provide a new and modernized expansion to the Emergency Department at the Falmouth Hospital. Attorney Cox introduced Michael Lauf.

Michael Lauf, President and CEO of Cape Cod Healthcare, said Falmouth Hospital is important to the community and in the past year they have seen over 41,000 patients in the Emergency Department. He said the conditions of the department are undersized; he said care is exceptional but the facility for patients is not dignified. He said the proposed project will allow for better care of trauma and critical patients and the investment is aimed toward the future for the patients. He said he appreciates the Commission's consideration.

Attorney Eliza Cox said the Falmouth Hospital Emergency Department was last expanded in 1998 and over the last 15 years the numbers have sky rocketed. She said on average the Emergency Department averages 100 patients per day and in the summer months 130 patients per day in a small space. She said during high peak times patients are seen in open areas because of inadequate space. She said the quality of care is never compromised and the proposed expansion will enhance work space for staff and patients. She described the proposed expansion to the Emergency Department and said the project qualifies as a DRI Hardship Exemption Project of Community Benefit (POCB) because human lives depend on this facility. She said the Falmouth Board of Selectmen and

Town Manager have unanimously supported the importance of the project and the applicant thanks the town for its support of the project. She asked the Commission for their support of the DRI Hardship Exemption POCB written decision.

Jon Idman, chief regulatory officer at the Commission, said he served as the Commission staff hearing officer for the project. He provided a procedural history on the project and said the proposed project consists of a 19,000 square foot single story addition to the existing Falmouth Hospital including the renovation of an additional 3,000 square feet of interior space resulting in a 22,000 square foot Emergency Department. He said the project includes new space for staff and patient care, a new emergency entrance, waiting area and ambulance drop-off bays; he said no additional treatment bays are proposed. He explained the standards of review and findings for a Development of Regional Impact (DRI) Hardship Exemption/ Project of Community Benefit (POCB) and said the proposed project provides distinct regional and community benefits, provides necessary services to the region and within the community, and is a POCB as defined in the Commission's DRI Enabling Regulations. He said minimum relief is sought from Regional Policy Plan (RPP) minimum performance standards (MPSs) AH 3.5—Commercial DRI Mitigation; E1.1—Energy Audit; E1.2—Energy Star; E1.5—Renewable on Site Energy; and HPCC2.6—Façade Variation. He said a substantial hardship is financial and also related to the unique nature of hospital use—hospital design/form and function; security and air quality issues versus maximum energy efficiency; limited, fixed budget; dependency on fundraising; and it is a 501(c)(3) corporation. He explained RPP MPSs regarding land use; economic development; water resources; coastal and marine resources; wetlands, wildlife and plant habitat; open space; transportation; hazardous and solid waste; energy resources; affordable housing; and heritage preservation/community character. Mr. Idman outlined the conditions in the draft written decision and said the decision suggests that the project should be approved with conditions as a DRI Hardship Exemption/Project of Community Benefit.

John Harris said it was noted that the project is not within a District of Critical Planning Concern (DCPC) and said a Cape-wide DCPC had just been approved.

Jon Idman said, yes, a Cape-wide Fertilizer Management DCPC had just been approved and the Commission could direct staff to revise the draft written decision to note the Cape-wide DCPC in the decision.

Michael Blanton said he applauds and supports the expansion of the emergency department and said he is impressed by the presentation. He said he would like to see more for the expansion but if Mr. Lauf feels 40 rooms is adequate, then he is comfortable with that. He said he supports the project.

John Harris spoke of his recent visit to the emergency department as a patient. He said he did not have a good experience as a patient and he hopes the proposed project will improve on that.

Chair Jack McCormack said he has had good experience at the Cape Cod Hospital. He spoke of a recent visit to the hospital by his wife and said their experience was outstanding.

Royden Richardson moved to close the hearing and the record. Michael Blanton seconded the motion. The motion passed with 12 votes in favor and one abstention.

Royden Richardson moved to approve the Falmouth Hospital Emergency Department Expansion project as a DRI Hardship Exemption/Project of Community Benefit and the draft written decision as amended. Andrew Putnam seconded the motion. The motion passed with 12 votes in favor and one abstention.

#### ■ AREA-WIDE 208 WATER QUALITY MANAGEMENT PLAN UPDATE

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, with the use of PowerPoint slides described the 208 Plan and provided an update on the planning process to date. He said the Commission was directed to update the 1978 Clean Water Act Section 208 Plan and the Commonwealth provided \$3 million to fund the project. He said the focus on the 21<sup>st</sup> Century problems is nitrogen in saline waters, phosphorus in fresh waters,

and growth and Title 5 limitations with septic systems being the primary source of nitrogen loading on Cape Cod. He said the approach to the 208 Plan Update is watershed based with stakeholder engagement to maximize benefits of local planning and said there are no optimal solutions. He said the goal is to generate a series of approaches in each watershed that will meet water quality standards. He described the stakeholder process, public meetings that have been held, the watershed working groups and the scheduled timeline for the 208 planning process. He said the mission of the 208 Advisory Board is to support the 208 planning process by providing advice on the overall approach, reviewing a draft work product and offering insight on strategic and tactical decision-making; the mission of the 208 Finance Subcommittee is to establish a factual basis for discussing issues of affordability, financing, and resources; and the mission of the 208 Panel on Technologies is to review, confirm, and expand upon the matrix of technology options, review the overall planning approach to be used in each watershed, and provide input on a site screening methodology for green infrastructure technologies. He provided a brief overview of the alternatives screening method.

Elizabeth Taylor inquired about pilot projects for remediation and asked if money would be available to towns through grants.

Paul Niedzwiecki said, yes, some money is available. He said he would continue to update the Commission.

John Harris said he likes the presentation and what the Commission is doing but he fears the public doesn't know and questioned how the public is being informed.

Paul Niedzwiecki said the Commission needs to do a better job of communicating to the public on everything the Commission does. He said efforts are underway to develop a County-wide communications effort. He said the idea is to develop better online ways of engagement along with traditional ways of engagement. He said this will be an easier message to give in January after the Commission has collected all the data. He said a lot of good local work has been done and the Commission is trying to better prepare for discussions.

Royden Richardson said he appreciates what is being done and said it's very compelling.

Len Short said better communication is needed and perhaps after every meeting Commission staff should write an informational piece and release it to the newspapers.

Chair Jack McCormack suggested having educational workshops for CCC members.

A motion was made to adjourn at 4:45 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Andrew Putnam, Secretary

### **List of Documents Presented at the October 17, 2013 Commission Meeting**

- Handout material: October 17, 2013 Commission meeting agenda.
- Handout material: Falmouth Hospital Emergency Department Expansion draft written decision.
- Materials presented: PowerPoint slide presentation on the Falmouth Hospital Emergency Department Expansion project prepared by the Cape Cod Commission.
- Materials presented: PowerPoint slide presentation on the 208 Water Quality Management Plan prepared by the Cape Cod Commission.