



**Minutes
Committee on Planning and Regulation (CPR) Meeting
January 13, 2022**

Elizabeth Taylor, Chair called the Committee on Planning and Regulation meeting to order on Thursday, January 13, 2022 at 1:00 p.m. The meeting was conducted virtually using the Zoom meeting platform, with all members participating remotely as allowed pursuant to Chapter 20 of the Acts of 2021, an Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021. The Chair announced that all votes or actions would be taken by roll call vote and that the members participating would be announced as the roll call was taken. The Commission Clerk called the roll, and a quorum of members was established as follows:

Elizabeth Taylor (Chair)	Present
Tom Wilson (Vice Chair)	Present
Harold Mitchell	Present
Jacqueline Etsten	Present
John Harris	Present
Fred Chirigotis (Alternate)	Absent

Summary of Actions Taken/Votes

- **Approval of Minutes:** The minutes of the December 16, 2021 Committee on Planning and Regulation meeting were approved
- **South Cape Village:** The applicants request to grant a 5-year extension of the South Cape Village, DRI decision as modified to July 6, 2027 was approved.

Minutes of December 16, 2021 Meeting:

Upon a motion to approve the minutes from December 16, 2021 made by Harold Mitchell, seconded by Tom Wilson, the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Tom Wilson, Yes; Harold Mitchell, Yes; Jacqueline Etsten, Yes; John Harris, Yes;

The Chair read the following hearing notice:

Public Hearing: Pursuant to Section 6(c)(xiv) of the Cape Cod Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact* (as amended), the Cape Cod Commission's Committee on Planning & Regulation will conduct a public hearing. At this hearing, the Committee will consider a request by property owner/applicant DPF Mashpee, LLC and may vote whether to grant a five (5) year extension of the South Cape Village Development of Regional Impact (DRI) Decision (CCC File No. 97007), as subsequently modified (see CCC File No. MOD02030) to July 6, 2027.

Project: South Cape Village (CCC File Nos. 97007 and MOD02030)
Project Applicant: DPF Mashpee, LLC
Project Location: Route 28 (Falmouth Road) & Donna's Lane, Mashpee
Description: Five (5) year extension of the existing Cape Cod Commission DRI Decision, as modified, to July 6, 2027.

The Chair asked for the Applicant's presentation on the request.

Attorney Eliza Cox, Nutter, McClennan and Fish announced that she is representing DPF Mashpee LLC, the Applicant and owner of South Cape Village shopping center in Mashpee. Mike Moran, Ares Management is here on behalf of the owner and Karen Johnson from Charter Realty and Development, Manager the shopping center are also here to answer any questions.

Using a powerpoint presentation, Eliza Cox, reviewed the procedural history of the South Cape Village project including the original decision, the modifications, the DRI Extension and the special permit issued by the Town of Mashpee in 2001. She reviewed the permitted space on the existing property. She said that the final structure still needs to be built and must obtain the Town approvals to do so. She reviewed the extension request as it applies to the CCC Enabling Regulations and further details of the request as outlined. In conclusion, she added that there are no further comments of the draft Decision.

The Chair asked for Commission staff comments.

Jordan Velozo stated that to grant this decision, the Committee must find that to grant that extension it will not result in changes to the findings or conditions of the DRI permit. Based on staff's review, the facts support that finding. She stated that staff does not have concerns about the requested extension. Building G is the last remaining portion of the development to be constructed and the CCC did issue a Preliminary Certificate of Compliance in November, 2021. Because the Applicant must complete construction before their DRI permit expires, staff suggest that good cause exists for the extension, given the uncertainties and challenges currently associated with construction.

The Chair asked for comments from the members.

Mr. Mitchell said he read the Decision and his concern is the 5-year extension given that plans have been approved and all that is needed is a building permit. He asked for the scheduled completion of the building once construction has begun. Ms. Cox explained that there is currently no tenant for the property therefore the client is hesitant to begin construction without a tenant in hand. Mr. Moran added that initially there was a tenant slated and begin the design and permitting process, and because of the changes that have occurred with COVID, the tenant put the project on hold. Mr. Moran said they are currently looking for another tenant and timing is dependent on finding the right tenant for the space. Mr. Mitchell stated that 5 years seems like a lot he would be more comfortable with 3 years.

Ms. Velozo stated that staff has no concerns regarding increased impacts for the extension to be increased to 5 years.

Ms. Etsten asked for information on the completion of the requirements in the prior decisions on the part that is being constructed. Has the town made any finding that they substantially built

according to the original approved plans? Ms. Velozo responded that Certificates of Compliance have been issued and the project is consistent with the Commission's decision. The Preliminary Certificate of Compliance for Building G was issued by the Commission in November 2021.

Mr. Wilson asked the Applicant to review the timeframe of when this started and asked staff if we modified terms to 3 years. Attorney Cox stated that the Commission issued the original decision in December of 2000. She reviewed the timelines for modifications as presented in her PowerPoint and stated that the Project has been before the CCC and the Town many times over the years. Ms. Velozo answered Mr. Wilson's earlier question that most recent extensions are for 5 years and the rationale for that is to reduce the likelihood that an applicant will have to come back multiple times for extensions.

Mr. Wilson stated that this seems to be a long process that started 20 years ago and the retail environment has changed and we need to make adjustments and he is comfortable with a 5-year extension.

The Chair asked for state and local officials' comments.

There were no comments

The Chair asked if members of the public had any comments.

There were no comments from the public.

Attorney Cox thanked the Committee for its time and respectfully asked for the requested extension.

The Chair asked for a motion.

Upon a motion to approve the request by DPF Mashpee to grant a 5-year extension of the South Cape Village DRI decision as modified, to July 6, 2027 by John Harris, seconded by Tom Wilson, the motion carried. Roll call vote was called as follows: Elizabeth Taylor, Yes; Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes.

New Business

There was no new business

Meeting Adjournment

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 1:28 p.m. made by Harold Mitchell, seconded by Tom Wilson, the motion carried. Roll call vote was as follows: Elizabeth Taylor, Yes; Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes.

Documents used at the January 13, 2022 meeting

- Committee on Planning and Regulation Agenda, January 13, 2022

- DRAFT Decision for the Extension of the DRI Permit for South Cape Village
- DRAFT Minutes of the Committee on Planning and Regulation, December 16, 2021
- Meeting Power Point prepared by Cape Cod Commission Staff, Presentation by Attorney Eliza Cox on behalf of the applicant DPF Mashpee