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**Minutes  
Committee on Planning and Regulation (CPR) Meeting  
Thursday, October 31, 2024**

The Chair, Tom Wilson called the CPR meeting to order on Thursday, October 31, 2024 at 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](mailto: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.

He stated 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 (arrived late at 1:06 p.m.)
Harold Mitchell	Present
John Harris	Present
Doug Fromm (Alternate)	Present

**Summary of Actions Taken/Votes**

- The Committee voted to approve the draft minutes of the May 30, 2024 Committee on Planning and Regulations meeting.
- The Committee voted to continue the minor modification #2 of the Canal Street Crossing Decision to the next CPR meeting.

**Review and approval of prior meeting minutes:**

Upon a motion to approve the minutes of the 5/30/24 Committee on Planning and Regulations meeting by Harold Mitchell seconded by Elizabeth Taylor, the motion carried. Roll call vote was as

follows: Tom Wilson, yes; Elizabeth Taylor, Yes; Harold Mitchell, Yes; John Harris, Yes; Douglas Fromm, Yes

The Chair read the following agenda item:

**Canal Street Crossing:** 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:

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

The approved DRI 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.

Using a power point, Greg Wirsen, Vice President of Green Seal Environmental reviewed the previously approved rendering of the Project and site plan. He explained the proposed changes and compared the site plans. He reviewed the changes and impacts to the site as approved and with the requested modification. He provided slides with comparisons, photos and site plans the provided an overview of the Changes and Impacts to the site approved in 2019.

The Chair asked for staff's presentation.

Using a power point, Jordan Velozo provided background information on the DRI review in 2019 that was approved and presented the requested modification. She explained the Standard of Review for a Minor Modification Type # 2 and provided a side-by-side analysis of the proposed changes that included what was approved in 2019, the proposed modification and the net change. She stated that staff suggest that the proposed modification would not result in different or increased impacts to water resources; other findings and condition in the approved DRI relative to housing would remain unchanged and no differed or increased impacts to housing are expected; and that staff suggests that no different or increased impacts to energy are expected. Ms. Velozo reviewed the impacts to open space, wetlands and community design stating that there are no different of increased impacts to those resources. She explained the potential findings and in conclusion stated that the committee could properly find that the proposed modification is substantially similar proposal to the approved DRI and would not result in different or increased impacts to the resources protected by the Act or RPP adding that if the Committee makes this finding, the Committee may approve the Minor Modification Type #2 and direct staff to draft a Modification Decision.

The Chair asked for members comments and questions.

The Chair recognized Ms. Etsten who asked if the pickleball and club house would be available to the public. Mr. Wirsen said that for insurance purposes this may not be allowed and informed Ms. Etsten of the surrounding public tennis courts adding that this is private development.

The Chair commented that in 2019 when the original decision was made, EV charges were not a topic of discussion, have they been added? Mr. Wirsen said that there are 4 EV stations adjacent to the medical office building.

The Chair recognized Mr. Mitchell who recollected from the original hearing, that there was a long discussion by the neighbors about the traffic along Hunter's Brook Road. Mr. Mitchell has a concern about the increase in townhouses and in accepting this as a Modification. He also mentioned concerns about the design as he didn't recall if there was a connection between the original medical building and the townhouses. Mr. Wirsen stated that that it is an emergency connection that was mechanically stabilized with some crash bars for the police and fire. We tapered it down to a 14-ft one-way driveway so the medical offices can leave that way.

Mr. Mitchell added that there was also a lot of discussion about the bridge coming over the wetlands. Mr. Wirsen stated that yes, there is a 62- or 64-foot clear span bridge so that the abutments are not within the resource area. Mr. Mitchell said that he understands the building is going down from a 3-story to a 2-story but he is concerned about the increase in townhouses from 15 to 32 and he doesn't feel that this is a minor modification.

Mr. Wilson asked about removing the bus stop on the site and asked where would the nearest bus stop be? Mr. Wirsen said that it would be north of Starbucks, at the end of the driveway. He said the CCRTA picks up in that area as well as Peter Pan.

The Chair asked for Public Comment:

There were none

The Chair asked for comments from Federal State of Local officials.

There were none.

The chair asked for additional comments from members.

There was a discussion by the members with their concerns that this was not a minor modification.

The Chair recognized Ms. Taylor who said that she feels that this should be looked at more closely agrees with Mr. Mitchell that this is not a minor modification.

The Chair recognized Ms. Velozo asked for the slide that discusses the standard for granting a modification. She said that this proposal involves a minor change of use from the original proposal which does not affect the intent or outcome of the finding or condition. A proposed change will not result in a different or increased impact to the resources protected by the Act in our RPP. She said if you are not supporting this, please articulate within the requirements of the standard why you're not supporting the minor modification – that would be helpful to staff.

The Chair recognized Attorney Cox who would like to remind the subcommittee or the CPR Committee to that this project went through local permitting and will have to go through local permitting again, and a public hearing will be held. The Commission is focused on regional impacts which we think are not changing or getting less and therefore consistent with your standard for modern minor modification. She said she did want to respond to the comment about your concern

about this being a quick process to assure the subcommittee that there will still be public hearings locally as we amend the special permit through the Planning Board.

The Chair recognized Mr. Mitchell who asked that we go back to the standards for granting the modification. He said that what you're doing now is taking out the assisted living building, leaving two stories instead of three stories for the medical and basically making this a residential area for townhouses. He said there will be an increase from 15 to 32 townhouses with club house, pickleball or tennis court. He feels that this is not a minor change to the site plan. He said that they took out bridge that was there for the wetlands, removed a major building on the site plan, increased residential by double, and added access from medical building to townhouses. He said complaints during the original hearing where from people on Hunters Brook Road about the traffic. He also has concerns about addressing solar as needed and four EV stations in front of the building, which doesn't meet today's standards. He doesn't see this as a Minor Modification.

The Chair recognized Ms. Taylor who said that the number of townhouses is being doubled and does not support as a Minor Modification and feels that it will have an effect on traffic.

The Chair recognized Mr. Wirsen said they are not changing anything associated with the bridge. He explained that the reason we made an egress through the park, through the parking area was to reduce and attempt to help reduce some of the traffic going out onto Hunters Brook Road.

Mr. Wilson asked to look at the site plan for further clarification on the bridge that was approved and the modification. Mr. Wirsen said that the only thing that we did was felt that if we could promote some of the townhomes that you know, and, and we had a cross easement associated with the medical office building that they could cut through the lot and use that bridge to access Canal Street.

The Chair recognized Mr. Mitchell who commented that the neighbors were complaining at 15 town homes, now you are adding to that and giving access through a building, he feels that this needs to be looked at.

The Chair suggested moving to potential motions.

Ms. Velozo spoke and said that it doesn't appear that the committee is ready for the potential vote and that there are 2 members that may not want to vote on the potential motion. Mr. Wilson was thinking that based on the response, we could decide how to move forward.

There were no members willing to put forth the potential motion.

The Chair asked for staff guidance. Ms. Velozo said that it sounds like members feel that there's been a major change to the site. She that a motion could be put forth that this does not qualify for a minor modification on that basis.

Mr. Mitchell made a motion to find that the proposed modifications do result in a difference and increase in impacts of the resources.

Ms. Velozo said that the reason you're finding that this does not qualify for a Minor Modification 2 is just on the basis of the site plan alone, nothing else has been articulated, based on impacts to resources.

Mr. Mitchell said that we need to do a new traffic study on this project and that would be an impact to the resources, or we could hear from Colleen.

The Chair recognized Colleen Medeiros, Transportation Program Manager. Ms. Medeiros said that we asked for more information from the Applicant and based on the information provided, there will be a decrease in the traffic generated. That is not a major change but a change in the assignment. She said there is a shared opportunity to use roads initially assigned to commercial and staff was comfortable with modifications. She said they have a comprehensive mitigation package with the previous proposal and staff were comfortable with those modifications, with at least three other traffic signals that will be up updated with potential timings and other equipment.

Mr. Mitchell is still concerned about a 2019 being incorporated into 2024. He asked Ms. Velozo for assistance in a motion.

The Chair asked for clarification from Ms. Medeiros with the traffic study in the modification. Ms. Medeiros said that staff asked for clarification on the trip generation because the proposed change is to add more condos. This is not full-blown study but based on findings, they are not generating more traffic, they are generating less.

The Chair recognized Mr. Wirsen who said that we updated all traffic counts. There will be no significant change to safety.

The Chair recognized Ms. Taylor who said that she sees major safety issues if townhouses are now going to exit through the medical facility parking lot.

The Chair asked for guidance from Ms. Velozo. Ms. Velozo said that looking at the standard for a modification, no regional impacts have been raised. What the CPR could find is that this is not a minor change to the site plan but she said she hasn't heard that there is a difference or increased impact to resources protect the Act or the RPP. She asked Mr. Mitchell if he is of the opinion that the transportation information not sufficient.

Mr. Mitchell said that what we heard from Ms. Medeiros is that a full traffic study wasn't done. He added that this project is a change of use.

Ms. Velozo said that this is not a Change of Use within the definition of our regulations; it is residential to residential. Ms. Velozo said that transportation is where you're seeing different or increased impacts and a change to the site plan. She said they can make a motion is that there are different or increased impacts and a change to the site plan.

The Chair recognized Ms. Etsten who said that it's more than a minor change to the site plan which comes out of the change of use and its effect on other issues.

Mr. Mitchell said that his previous motion wasn't defined and need to be withdrawn to see if we can get something better.

The Chair recognized Eliza Cox who asked if it would be helpful for us to have our traffic engineer consult again with Colleen and be present at a continued hearing to talk a little bit more about what, if any, impacts, it would be on Hunters Brook Rd. She continued to suggest that that's a local road and are local impacts that would be addressed at the local permitting level, but I hear the concerns of some of the commissioners and I wonder if that would be helpful to continue this and we'll bring

our traffic engineer to the next meeting where they can provide some additional input to the committee.

The Chair asked for comments from members.

The Chair recognized Ms. Etsten who said that the site plan needs to come for further review and she is concerned about the boundary on the northern edge and adjacent to the property. She feels that we should have a motion that we are finding that the project is not a minor modification.

The Chair recognized Ms. Cox and came back to the standard for granting a modification.

Ms. Cox said she thinks what the charts have shown is that none of these changes have increased impacts to the resources under the Act. There are no changes that affect the outcome or the finding of the conditions of this decision because the impacts are actually getting less in each in each category except for traffic, which again is the overall number is getting less. She said regionally the impact is coming down even if there may be some changes in allocation. She said that's also something that locally would be reviewed as part of the planning board process. He said when we think in terms of the regional standard, it meets the requirement. Ms. Cox said if there's additional studies or information or testimony that would be helpful on this to understand those regional impacts, we're happy to bring our traffic engineer to another hearing.

The Chair stated that he reviewed the project which withdraws the assisted living and adds townhomes which seems like a minor change of use. As the graphs showed, it seems that most of the impacts were reduced. He said that he was comfortable that this does meet the standard of review and is a minor modification type 2.

The Chair recognized Doug Fromm who said concern is traffic relating to Hunters' Brook Road. He feels that we should continue the meeting to get more information from the traffic consultant.

The Chair asked for a motion to continue from Ms. Velozo.

Ms. Etsten said that it is reasonable to extend to another meeting, but she would like to keep open the site plan review as well.

Mr. Wirsen said that he would be happy to discuss the site plan and explained that it meets the local bylaw.

Ms. Velozo stated that we do not need a date to continue, once we have the requested information from the applicant we can schedule and post a meeting.

Mr. Wirsen asked for more detail on what the members are looking for. Ms. Velozo said that based on what we have heard, transportation information is needed.

Ms. Wielgus said that she would suggest that we identify everything we would like to see but it doesn't need to be included in the motion.

Upon a motion that we continue this matter to the next meeting of the CPR by Tom Wilson, 2<sup>nd</sup> by Elizabeth Taylor, the motion carried. Rol call vote was as follows: Tom Wilson, yes; Elizabeth Taylor, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; John Harris, Yes

**New Business:**

**Meeting Adjournment**

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 2:12 p.m. made 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

**Documents used at the October 31, 2024 CPR meeting**

- Agenda, October 31, 2024
- Draft minutes of the May 30, 2024 CPR meeting
- Meeting Power Point prepared by Cape Cod Commission Staff inclusive of all agenda items

**Approved by the Committee on Planning and Regulations on:\_\_\_\_\_**