

FALMOUTH EDIC
AUGUST 13, 2008
CIVIL DEFENSE ROOM – 4:00PM

PRESENT: STEPHEN SPITZ, VICE CHAIRMAN
SAMUEL LORUSSO
CHRISTINE ROSS
ABSENT: MARY PAT FLYNN, CHAIRMAN
GLENN KELLY
CAREY MURPHY
WILLIAM VENDT

NO QUORUM

Even though the board did not have a quorum, Vice-Chairman Stephen Spitz felt it would be appropriate with the people in attendance to have a discussion, no votes, on some of the important scheduled Agenda items.

Status of Waiver Edgerton Drive after Hearing with the CCC – John Harding

John reported there have been three meetings with the CCC staff and the sub-committee. Last Thursday (8/7), the sub-committee along with he, Brian Currie, and Chairman Flynn went over the changes that have been proposed for the draft decision and deed restrictions that are going to be filed.

One of the issues they have decided is that 8.19 acres is a real number not 9.22 acres (they counted Lot 19C twice). John then suggested members present take a look at the proposed changes because it is going to go for a final hearing decision on August 21st in front of the full Commission. He also included a summary of what Benthos/Edgerton Drive, etc. has cost the EDIC = \$3,475,833.49. This information has also been forwarded to EDIC Atty. Pat Butler per Chairman Flynn's instructions. Another issue/change is the wording on what sort of businesses are deemed to be appropriate to receive the waiver; i.e. the use is a small business with less than 50 employees, etc. (Page 6, F-G11) submitted by Falmouth Town Planner Brian Currie.

John summarized, if the EDIC and Town Planning Board concur when selling a lot, it is telling the CCC there should be no waivers. During the 20 day appeal period, the CCC would issue a Certificate of Compliance to the Buyer. If, however, either the EDIC or the Planning Board does not like the proposed Buyer, then they are referred to the CCC for a complete DRI *or* they can accept mitigation (at approx. \$140,000 per lot). To meet the criteria set forth in this document – it excludes retail, real estate, convalescent care, warehousing, etc. (also page 6, F-G11). There was before and still is now some concern that if we, the EDIC, approve a project/buyer and the Planning Board doesn't, we will not be able to move our project forward. John added, "There is a tremendous risk with this, no doubt, and it is a deed restriction that goes forever." Vice Chairman Spitz said, his observation at the meeting at Gus Canty was the panel (Jay Zavala, etc.) said to the CCC

staff ‘this doesn’t make any sense [this new draft], they are a nonprofit, why are you doing this, all you are doing is tying them up.’ Vice Chairman Spitz asked John Harding, “Are we better off with the two lots with no restrictions or the three lots with restrictions for marketability purposes?” John answered, “Three lots with restrictions.”

Christine’s concern was, “Why did the Planning Board end up writing our document for the CCC? How did that happen?” John answered that Brian Currie responded to the draft. He also said, the problem goes back to when the EDIC bought Benthos and the CCC subdivided Raymond Park into 10 lots – the question/interpretation is, are we even required to have a Hardship Exemption? What started out as a simple agreement [EDIC approves, Planning Board approves – everything is ok] has turned into a complicated and restrictive document. Christine Ross agreed saying something as broad and basic as a statement like - in keeping with the character of the Local Comprehensive Plan (LCP) [which is a very broad statement which can cover lots of different things] an ebb and flow as it evolves seems to me to be a much better thing to say than 1, 2, 3, 4 [restrictions]. No? John agreed it should be simple.

The consensus was the EDIC postpone the scheduled meeting on August 21st which Vice Chairman Spitz said would send a message that we are not happy and John added we should meet with a quorum and also hear from Atty. Butler his thoughts on this most recent draft.

Edgerton Drive Drainage – Update from Sam Lorusso

Sam reported he was at Edgerton Drive earlier today and said there are quite a few contributing factors to the drainage problem. From the top of Edgerton Drive down there are no catch basins for drainage, some of the drainage squares are not maintained... John Harding said there are several catch basins which you cannot see on the side of the road but there is no connection to them from the road – Lawrence Lynch has acknowledged they need to fix that. Sam went on to report, water just comes flying down the road and there is water coming from the parking lots. He was led to believe if the Building Inspector and the Engineering Department approved everything, why don’t they just accept the road? This is something we have to formally do through Town Meeting.

Sam will call Lawrence Lynch for starters to have their portion of the road problems fixed.

Fiber Optics – Update Report from Christine Ross

Christine reported there is no design yet, reminded the board this is still in the very early stages and numerous people in town are engaged in the conversations. As updates become available, she will inform the board.

Falmouth Technology Park Association – Mike Mathewson (report read by Vice Chair Spitz)

Still hoping to arrange a meeting with the DPW to discuss mowing, sidewalk and (future) snow plowing and road sanding.

STG Consultants – Update by Sharon Gay

Sharon was asked to attend today's meeting by Pat Flynn regarding doing a press release which was suggested by Carey Murphy at our last meeting. The feeling was a press release at this time is premature but Christine Ross said it would be good to do a piece just on our new web site because it contains a lot of good information.

In thinking of where does the EDIC go from here (i.e. as the Economic Development Element for the town) in the past we have held retreats to discuss a direction – short term, long term, what can we get accomplished, and prioritize.

After a good discussion, Christine said, "One of the things that is striking me is we have not as a committee, paid any attention to what the Cape Cod Commission is doing. The fact of the matter is they are mapping all of Cape Cod to lay new zoning on top of what we have, they have sent Brian Currie... at this point John interjected, "this is such a critical point, they are going to the Town Planners and the Town Planners are telling them where they want commercial development and what kind and where and why." Christine has been in contact with Brian Currie twice who said it is only in its draft stage but she felt, we as the EDIC should make it a priority to be involved. Sharon offered to get in touch with the CCC for the overlay map which she will e-mail to our members.

Treasurer's Report – Richard Bienvenue

- Usual bills.
- Audit is underway.
- Cash Flow Projection – about the same. Noted on the Walsh Loan, our balloon payment is due February 2010. John reported we are waiting for the condominium documents to come back from Atty. Butler before we can go to the Planning Board, get Phase II approved and start selling. Christine asked a letter be sent to Atty. Butler telling him we need those documents by a certain date.

I left the meeting at 5:40pm.

Respectfully submitted,

Linda J. Wells
Recording Secretary