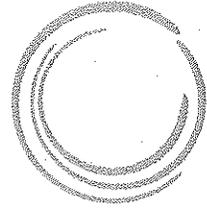


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CAPE COD
COMMISSION

Minutes
Meeting of
Cape Cod Commission

October 11, 2012

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

Town	Member	Present
Barnstable	Royden Richardson	Absent
Bourne	Michael Blanton	Absent
Brewster	Elizabeth Taylor	Absent
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Vacant	Vacant
Harwich	Vacant	Vacant
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	✓
Provincetown	Austin Knight	✓
Sandwich	Joanne O'Keefe	✓—(<i>Recused and left meeting 3:10 pm</i>)
Truro	Peter Graham	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Herb Olsen	✓

The meeting of the Cape Cod Commission was called to order on Thursday, October 11, 2012 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said on September 13 he attended a Systems Analyst Workshop and met with the new director of OpenCape. He said he was called to Rhode Island to meet with the Chief Financial Officer of the EPA and he attended the Association to Preserve Cape Cod's Environmental Summit. He said last week he spoke at the Hyannis Rotary and said the discussion was on wastewater. Mr. Niedzwiecki said yesterday he was in Rhode Island at the Save the Bay Water Restoration Program.

■ MINUTES

The minutes of the August 30, 2012 Commission meeting were reviewed. Roger Putnam moved to approve the minutes of August 30, 2012. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

The minutes of the September 13, 2012 Commission meeting were reviewed. Jack McCormack moved to approve the minutes of September 13, 2012. Richard Roy seconded the motion. The motion passed with a unanimous vote.

■ CAPE COD HOSPITAL EMERGENCY CENTER EXPANSION

Chair John Harris noted that this is a continued hearing from September 25, 2012.

Joanne O'Keefe said for personal reasons she would recuse herself from the hearing.

Elizabeth Enos, regulatory officer at the Commission, said she acted as a hearing officer on the project. With the use of PowerPoint slides Ms. Enos said the proposed project consists of a 25,000 square foot expansion of Cape Cod Hospital's emergency center. She said the overall number of treatment spaces, 74, will remain the same but each treatment space will be located within its own exam room. She said the new treatment spaces will be sized in accordance with current standards and the reconfiguration will increase working spaces. She said alterations to existing parking circulation and access/egress in the main campus lot as well as additional parking along Park Street and Lewis Bay Road are also being proposed in connection with the proposed expansion. She said an existing building located at 8 Park Street is proposed to be demolished to accommodate this additional parking. She explained the Commission's jurisdiction, provided a procedural history on the project and said the Commission received the Development of Regional Impact (DRI) referral from the Barnstable Building Commissioner on August 24, 2012. She said the Cape Cod Hospital (CCH) has applied for a Hardship Exemption as a Project of Community Benefit (POCB) and said the Commission may grant a hardship exemption where it finds that a literal enforcement of the provisions of the Cape Cod Commission Act would involve substantial hardship, financial or otherwise and where relief may be granted without substantial detriment to the public good or without derogating from the intent of the Act. She said in order to be deemed a POCB the applicant must demonstrate the project's need within and benefits to the community and the difficulty full compliance with the Regional Policy Plan (RPP) Minimum Performance Standards (MPS) would entail. She said the application materials state that CCH is a Massachusetts not-for-profit corporation and that human lives depend on access to and care provided within the emergency center. She said the application materials also state that in FY2011 Cape Cod Healthcare (CCHC) provided \$21,400,000 in charity and subsidized care. She said that translates to over 34,000 patients receiving charitable support by CCH. She said these figures demonstrate the tremendous amount of support that the CCH and CCHC are already giving to the community and, as such, Commission staff recommends that CCH serves the community in its provision of charity and subsidized care as well as overall medical care to the community and that the project qualifies as a POCB as it results in distinct benefits to the community and residents of Barnstable County. Ms. Enos said staff recommends that any additional costs or mitigation associated with permitting in addition to

the existing budget would result in reduced services and/or scaling back aspects of the proposed project which would detrimentally impact the community. She explained the Commission's findings for approval and reviewed key findings and conditions in the draft written decision in issue areas regarding land use, economic development, water resources, natural resources/open space, transportation, waste management, energy, affordable housing, heritage preservation and community character. She said Commission staff recommends that the project be considered a POCB and that a literal enforcement of the provisions of the Act would involve substantial hardship, financial or otherwise, and that desirable relief in the RPP issue area of affordable housing may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act. She said Commission staff further recommends that the suggested relief is the minimum necessary to address the hardship and that with appropriate conditions and recommended relief granted, the proposed development is consistent with the RPP. She also noted that staff recommends that the project meets the Best Development Practices (BDP) ED3.1 (local labor and service providers), ED3.2 (local ownership), TR1.11 (curb cuts), TR2.16 (alternate modes of travel), and HPCC2.16 (specimen trees and original topography) and that these could be considered probable project benefits. Ms. Enos said Commission staff received written correspondence from JoAnne Miller Buntich dated August 28, 2012 which stated that the town-wide District of Critical Planning Concern does not affect this project, that the proposed project is consistent with the Local Comprehensive Plan, that it is an allowed use in the Medical Services Zoning District in which it is located, and that local determinations are needed regarding demolition of the historic structure and parking. She said staff suggests that the project could be conditioned to require the applicant to seek and obtain zoning relief from the town, if needed, from any applicable municipal development bylaws and that the Commission could adopt the written testimony of JoAnne Miller Buntich and find that the project is consistent with these criteria as conditioned.

Attorney Eliza Cox, representing the applicant, introduced members of the hospital staff Michael Lauf and Ed Browne and project consultants Kevin Wyrsh, Dan Ojala, and Randall Hart.

Michael Lauf, Cape Cod Healthcare President and CEO, said CCHC has 4,600 employees. He said CCHC is important to the community and the service it provides. He said the project allows the hospital to treat every person in a dignified way. He explained the number of visits that were made to the CCHC emergency room over July 4th and said many times people are on a bed in the hallway when being treated. He said the project is needed to treat people in a dignified way in an individual room. He said it's being done for all the right reasons to treat people in a better way. He said CCHC is committed to the community.

Attorney Eliza Cox said CCHC administrators looked at the condition of the existing emergency room. She said they needed to expand to create a more modern facility and discussed how the size of the expansion would be determined. She said consultants recommended a 25,000 square foot expansion totaling a 54,000 square foot area. She said the expansion would increase working spaces and improved flow throughout the department. She said the overall goal was that they end up with a modern and appropriate size expansion. She said this is a Project of Community Benefit and said it goes beyond that. She said it's a "Project of Community Need." She noted project benefits as improved traffic access and flow, implementation of a valet service at the emergency room center will be a significant enhancement, improved parking at the campus, overall reduction in nitrogen loading, stormwater treatment is being improved, the project is budgeted for \$20 million and every dollar is allocated to construction of the project, and CCHC and CCH are critical drivers in the community and the emergency room alone employs 360 people. She said the demand the emergency room center sees every year determines the need of this project and said what is being proposed has been a cooperative effort. She asked Commission members for their approval of the project.

Mary Pat Flynn said the benefits to patients, physicians, and staff would outweigh any detriments of the project.

Ernest Virgilio said he supports the project 100% but he is concerned about the outside travel area of the building. He said if there was ever a need for large emergency room vehicles at the hospital there would be a problem as the islands take up a large area and there would not be enough space from large vehicles to travel through. He said it's not a detriment but more of a concern. He said there is a real need for this project and a project of this size should consider large emergency room vehicles if ever needed.

JoAnne Miller Buntich, Director of Growth Management for the Town of Barnstable, said the town is 100% behind the project. She said Cape Cod Healthcare is an important partner for the Hyannis area and Cape Cod Hospital is an important partner to the Hyannis Growth Incentive Zone area. She said the town took a close look at Mr. Virgilio's concern about access. She said the Site Plan Review process is very particular so she feels confident if they are comfortable with this then she is as well.

Anne Carron, resident of Orleans, said she has been a volunteer at Cape Cod Hospital for 23 years. She said she is concerned with the demolition of the small historic house for a parking lot. She said people have talked about a parking garage and said it has been a concern for years. She said she supports the much needed project but she is concerned about parking at the hospital.

Ernest Virgilio asked why not consider a parking garage.

JoAnne Miller Buntich said the town has looked at that and they have been working with the state regarding parking in Hyannis. She said the bottom line is that they haven't attracted a funding mechanism for that. She said it is part of the town's ongoing planning process. She said sometimes situations tend to slow things down on the public sector side. She said the town has done a lot of work on this and they are working on an implementation strategy that they hope to have available within the next few years.

Ernest Virgilio said we are looking at limited space at the hospital.

JoAnne Miller Buntich said the town has been looking at this for a long time. She said it is the biggest problem in downtown Hyannis and Cape Cod Hospital has always indicated a willingness to partner with the town on this.

Paul Niedzwiecki said it is not an issue of regulation or zoning it is an issue of expense. He said the question is, where is it going to go. He said until it becomes economically feasible, it is going to be difficult. He said he believes we will see progress soon.

Len Short said there is no question the hospital is going to expand beyond where it is now and said there is limited space for parking at the hospital.

JoAnne Miller Buntich said if Commission members are interested, she would be happy to share with the Commission the town's draft plan for multi-level parking.

Len Short said we are going to run out of land at the hospital and the hospital won't be able to expand further.

JoAnne Miller Buntich said they have acquired additional land on Attucks Lane to move some services out there.

Jack McCormack moved to close the hearing and the record. August Knight seconded the motion. The motion passed with a unanimous vote.

Jack McCormack said based on what he has heard and on the draft decision, the benefits far outweigh the detriments.

Chair John Harris moved that the probable benefits of the proposed project include meeting Best Development Practices ED3.1, ED3.2, TR1.11, Tr2.16, and HPCC2.16. Roger Putnam seconded the motion. The motion passed with a unanimous vote.

Chair John Harris asked Commission members if they had any probable detriments.

Austin Knight said someone from the public mentioned concern that the small house is being torn down so a detriment would be loss of a structure.

Len Short moved that one probable detriment of the proposed project is a structure being torn down. Austin Knight seconded the motion. The motion passed with a unanimous vote.

Jack McCormack moved that the probable benefit from the proposed development is greater than the probable detriment. Austin Knight seconded the motion. The motion passed with a unanimous vote.

Jack McCormack moved to approve the Project of Community Benefit Hardship Exemption application of Cape Cod Hospital with conditions and to approve the draft written decision, as amended. Austin Knight seconded the motion. The motion passed with a unanimous vote.

■ OTHER BUSINESS

Paul Niedzwiecki said at the Commission's next scheduled Executive Committee meeting they will be discussing the number of active Commission members and how to revamp the Regulatory Department.

A motion was made to adjourn at 4:10 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Richard Roy, Secretary

LIST OF DOCUMENTS PRESENTED AT THE OCTOBER 11, 2012 COMMISSION MEETING

- Handout material: October 11, 2012 meeting agenda.
- Handout material: Draft written decision for the Cape Cod Hospital Emergency Center Expansion project.
- Materials presented: PowerPoint slide presentation on the Cape Cod Hospital Emergency Center Expansion project prepared by the Cape Cod Commission.