



# CAPE COD COMMISSION

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Date: July 25, 1991  
To: Patrick M. Butler, Esq.  
From: Cape Cod Commission

RE: Development of Regional Impact Exemption Request  
Cape Cod Commission Act, Section 12(k)

Applicant: Cape Cod Hospital  
Project #: TR91037  
Project: Cape Cod Hospital Emergency Room Expansion  
27 Park Street  
Hyannis, MA 02601

Map/Parcel: Book 7184, Pages 236-238  
Book 472, Page 40

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby denies the Cape Cod Hospital a Development of Regional Impact (DRI) Exemption pursuant to Section 12(k) of the Cape Cod Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for a proposed emergency room expansion to the Cape Cod Hospital in Hyannis, MA. The decision is rendered pursuant to a vote of the Commission on July 11, 1991.

### PROJECT DESCRIPTION

The proposal calls for expansion and renovation of Cape Cod Hospital's emergency room and radiology departments, including new ambulance, emergency vehicle and main entrances. The project also includes relocation of the ambulatory care department and construction of a staff meeting room, library, and conference room. Also proposed is a 75-car parking deck and additional landscaping. New construction totals approximately 38,000 square feet, with renovation of the existing main building totaling approximately 15,500 square feet.

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## PROCEDURAL HISTORY

The Applicant filed an application with the Town of Barnstable Site Plan Review Committee on May 9, 1991. The project was referred to the Commission by the Site Plan Review Committee on May 10, 1991.

An application for a DRI Exemption under Section 12(k) of the Act was filed with the Commission on May 24, 1991. Duly noticed public hearings on the application were conducted by an authorized subcommittee of the Commission pursuant to Section 5 of the Act on June 17, 1991 in the Chamber of the Assembly of Delegates, Barnstable 1st District Courthouse, Barnstable, MA; and on July 8, 1991, in the Cape Cod Commission office, 3225 Main Street, Barnstable, MA.

### Materials submitted for the record include:

- DRI Exemption, DRI Hardship Exemption, DRI applications and supporting documents
- Existing Site/Floor Plans, Hoskins Scott Taylor & Partners, Inc., March 25, 1991, sheets A-2, A-4, A-7
- Existing Conditions Plan, Downcape Engineering, Inc., dated April 2, 1991, 1 sheet
- Air photos, Existing Conditions, Aero Photo Inc., 2 sheets
- Cape Cod Hospital Signage Photos, undated, 2 sheets
- Locus Map, U.S.G.S. Topographic Map, Town of Barnstable Zoning Map, SCS Map, Town of Barnstable/Yarmouth Assessor's Maps
- Proposed - Site Plan, Axonometric, Ground Floor Plans, First Floor Plan, Elevations, Sections, Planting Plan, Hoskins Scott Taylor & Partners, Inc., March 25, 1991, sheets A-1, A-3, A-5, A-6, A-8 through A-11
- Proposed Key Plan Ground Floor Sheet A2.1, Hoskins Scott Taylor & Partners, dated July 11, 1991, replacing sheet A-6
- Illustrative Site Plan, The Halvorson Co., Inc., dated March 25, 1991
- Proposed Drainage Plan/Details, Downcape Engineering, Inc., dated April 5, 1991, 1 sheet
- Material Safety Data Sheets, H.R. Simon & Co., Inc. Fixer/Replenisher Part A/Dilute, 4 sheets
- Mass. Historical Commission Project Notification Form, dated May 20, 1991
- Proof of Ownership, Book 7184, Page 236-238 and Plan of Land for Cape Cod Hospital, dated May 1976, Downcape Engineering
- Proposed Cape Cod Hospital Expansion, Traffic Assessment & Appendices, Vanasse Hangen Brustlin, Inc., dated April 9, 1991
- Proposed Scope of Services, Comprehensive Parking Study, Cape Cod Hospital, dated June 12, 1991
- Application for Town of Barnstable Site Plan Review, dated May 7, 1991
- Application for Special Permit, Town of Barnstable, dated May 7, 1991
- Cape Cod Hospital Summary of Historical and Forecasted Hospital Utilization, years ending September 30, 1987-1990
- Cape Cod Hospital Historical and Forecasted Use Rates, 1986-1993

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- Cape Cod Hospital Historical Percentage of Hospital Admissions by Zip Code, 1986-1989
- Cape Cod Hospital Service Area Population Trends, Demographic Information and Economic Characteristics
- Notice of Project Change, EOE A #8202, dated June 24, 1991
- letter from Thompson Consultants, Inc., dated June 14, 1991 re: Hospital daily water usage
- Affidavit from Thomas J. McClellan, Downcape Engineering, dated June 28, 1991
- Letter from Nutter, McClennen & Fish, dated June 12, 1991 re: solid waste generation
- Supplemental Memorandum in support of Applications for Exemptions pursuant to Sections 12(k) and 23, received June 17, 1991
- Letter from Nutter, McClennen & Fish dated July 8, 1991 re: hazardous waste volume
- Letter from Nutter, McClennen & Fish to Town of Yarmouth Engineering Dept., received July 11, 1991 re: draft conditions

Additional Materials:

- DRI Referral Form, received May 10, 1991 from Barnstable Building Department
- Cape Cod Commission Public Hearing Minutes, dated June 17, 1991; July 8, 1991; July 11, 1991
- Cape Cod Commission Staff Report, dated June 11, 1991
- Mass. Historical Commission letter dated June 7, 1991
- Town of Barnstable Planning & Development letter to Town Manager dated June 13, 1991
- Town of Barnstable Planning & Development letter to Town Manager dated June 27, 1991
- Town of Barnstable Planning & Development letter to Joseph DaLuz, Building Commissioner, dated June 3, 1991
- Town of Barnstable Dept. of Public Works letter to Town of Barnstable Planning & Development, dated June 13, 1991
- Town of Barnstable Health Dept. letter to Joseph DaLuz, Barnstable Site Plan Review Committee, dated June 11, 1991
- Hyannis Fire Department letter dated June 11, 1991
- Town of Yarmouth Planning & Engineering Departments letter dated June 21, 1991
- Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form, dated May 11, 1990
- Town of Yarmouth Engineering Department memo received May 30, 1991

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearing and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

## JUNE 17, 1991 SUBCOMMITTEE HEARING:

The Commission heard oral testimony from Mr. James Lyons, president of Cape Cod Hospital, and Attny. Patrick Butler, representing the Applicant. Mr. Lyons gave a presentation of the hospital's need for the proposed expansion, citing that no expansion of the emergency room had taken place in the past 15-17 years, while the volume of emergency room patients had steadily increased to the current level of 49,000 patients in 1990, with severe overcrowding as a result. He also noted that the expansion was not attempted earlier due to financial problems experienced two to three years ago.

Mr. Butler described the project and stated that the proposed expansion is to accommodate existing patients, that the proposal would not have impacts outside of the communities of Yarmouth and Barnstable. In addition, the hospital has one of the busiest emergency rooms in the Commonwealth, with a 3%/year growth expected whether or not the proposed improvements are made. Furthermore, he stated that the expansion will not add new patient beds, new employees, and will not increase the service areas of the hospital. He believed that the only unresolved issues identified in the Commission staff report are traffic and parking. Revisions to the plans resulted in a net increase of 28 parking spaces for the proposed expansion. The Applicant had agreed to complete a comprehensive parking study for the hospital, and had agreed to participate in a general sense in a regional traffic study for the Hyannis/South Yarmouth area.

Mr. Richard Bryant of Vanasse, Hangen, Brustlin, Inc., traffic consultants for the project, noted that there was no causal relationship between the size of the proposed expansion and trip generation, with an overall increase in trip generation at less than 1 trip/hour, or a 10% increase in traffic. He also stated that the area is served by adequate road capacity. He also described the scope of the proposed parking study which included demand management strategies. Mr. Butler added that this project would address local traffic concerns in the following ways: improved ingress/egress for emergency vehicles; improved parking facilities; improved supervision of Bayview Street in Yarmouth; and the widening of Park Street.

Comments from public officials included endorsements of the project from Ms. Cynthia Cole, Barnstable Representative to the Assembly of Delegates; Commissioner Robert O'Leary; Representative Edward Teague; Senator Henri Rauschenbach; Rep. Cahir and Rep. Klimm. All of the above officials supported a Section 23 Hardship Exemption request.

Comments from local officials included testimony from Mr. Mohammed Tariq of Barnstable Planning & Development Department who stated that the planning department was in favor of recommending a Section 23 Hardship Exemption request with conditions, including the study of off-site traffic impacts. John Kuchinski, from the Town of Yarmouth Engineering Department, expressed concern with illegal parking on Bayview Street which was not fully addressed by the Applicant, and concern for future employee

growth as a result of the expansion. He also noted that implementation of any proposed traffic mitigation was important.

Commission staff reported that while the expansion was necessary, the hospital is a regional facility. As there were traffic impacts that had not been fully identified, staff recommended that the DRI Exemption request be denied and that the project be reviewed as a DRI.

Ms. Alix Ritchie, subcommittee member, was not in favor of granting a Section 12(k) DRI Exemption due to traffic, stormwater issues and because the hospital is a regional medical facility. Subcommittee members voted unanimously to continue the public hearing until July 8, 1991, 11:30 a.m., at which time the subcommittee would vote to make a recommendation to the full Commission.

#### JULY 8, 1991 SUBCOMMITTEE HEARING:

At this continued public hearing, Commission staff gave a brief report on meetings that had been held between the Applicant, representatives from the Towns of Barnstable and Yarmouth, and Commission staff to discuss proposed draft conditions to be attached to a Hardship Exemption approval. The Applicant had agreed to the proposed draft conditions as modified as a result of these meetings. Alix Ritchie then made a motion to close all three public hearings (including the DRI Exemption hearing), to keep the public record open until the close of business on July 12, 1991, with approval of amended meeting minutes dated June 17, 1991. The motion also included a recommendation to the full Commission that the DRI Exemption pursuant to Section 12(k) request be denied, and that the subcommittee recommend to the full Commission approval of a Hardship Exemption request with conditions.

#### JULY 11, CAPE COD COMMISSION MEETING:

Donald LeBlanc, subcommittee chairman, gave a report to the full Commission at this meeting, and made a motion that the subcommittee recommended denial of the Section 12(k) exemption application. The motion was seconded and unanimously approved, with Commission member Andy Young withdrawing from any vote or comment on this project due to a conflict of interest.

### JURISDICTION

The Cape Cod Hospital expansion qualifies as a DRI under Section 12(c)(6) of the Cape Cod Commission Act (the Act) as "any proposed...private health...development which...(is) an addition greater than five thousand square feet."

### FINDINGS

The Commission has considered the Development of Regional Impact Exemption application of Cape Cod Hospital for the proposed emergency room expansion. Based on consideration of such application, the information presented at the public hearing and

submitted for the record, the Commission makes the following findings subject to Section 12(k) of the Act:

- 1). While the proposed expansion is located within the Town of Barnstable, a portion of the existing hospital is located in the Town of Yarmouth. The emergency room expansion is expected to create traffic impacts in the Town of Barnstable as well as the Town of Yarmouth, and is therefore of regional concern.
- 2). Existing catch basins on the Hospital site are presently connected to a stormwater drainage system which discharges directly into Lewis Bay, a regional resource. There is also concern for a possible cross-connection of existing stormwater drainage and sanitary sewer system on the hospital site.
- 3). Cape Cod Hospital is a regional medical facility, and as such, any long-term impacts will be felt throughout Barnstable County.

CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes:

The location, character and environmental effects of the development will not prevent its having any significant impacts on the values and purposes protected by this act outside the municipality in which the development is to be located. This conclusion is supported by the following findings: the emergency room expansion is expected to present traffic impacts outside of the Town of Barnstable; possible stormwater drainage concerns which may affect Lewis Bay, a regional resource; and the impacts of a regional medical facility expansion on Barnstable County.

The Commission hereby denies Cape Cod Hospital a Development of Regional Impact Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act for the proposed expansion to the Cape Cod Hospital Emergency Room in Hyannis, MA.

  
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Richard S. Armstrong, Chairman

7/25/91  
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Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 25<sup>th</sup> day of July 1991

Katharine X Peters  
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NAME, Notary Public

My Commission Expires: 12/5/97