



# CAPE COD COMMISSION

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DATE: April 24, 1992 EX# 92027

TO: Mr. Joseph Martyna, JML Care Center  
184 TerHuen Drive  
Falmouth, MA. 02540

FROM: Cape Cod Commission

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

APPLICANT: JML Care Center

PROJECT: A proposed 12 bed addition (6,600 sq.ft.) to the existing care center in  
Falmouth, MA.

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of JML Care Center for a Development of Regional Impact Exemption under Section 12 (k) of the Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for a twelve bed addition to the existing care center. The decision is rendered pursuant to the vote of the Commission on April 30, 1992.

### PROJECT DESCRIPTION

The proposed construction is for a 12 bedroom (6,600 sq. ft.) addition to an existing 120 bed (57,400 sq. ft.) long term health care center. The existing long term health care center is next to the Falmouth hospital to the west of Route 28 in Falmouth. The addition will consist of private resident rooms for specialized care. The single story addition will be clapboard siding on steel frame construction matching the existing building.

### PROCEDURAL HISTORY

A DRI Exemption application was filed by the applicant on March 24, 1992. The public hearing was opened and closed on April 23, 1992. The subcommittee report was presented to the full Commission on April 30, 1992.

EX# 92027 JML Care Center DRI Exemption Decision April 24, 1992

**MATERIALS SUBMITTED FOR THE RECORD**

**A. Materials submitted by the applicant:**

1. A DRI Exemption Application March 24, 1992

**B. Materials submitted by the public:**

1. A letter from Mass. Historical Commission April 3, 1992

The Commission also received oral testimony from public officials and members of the public as described in the minutes of the subcommittee public hearing dated April 23, 1992.

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

**JURISDICTION**

The proposed project qualifies as a Development of Regional Impact under Section 12(c)(6) .... "Any proposed retail or wholesale business, office or industrial development, as well as any private, health, recreational or educational development which has a floor area as follows.... addition or auxiliary buildings: greater than five thousand square feet".

**FINDINGS**

The Commission has considered the Development of Regional Impact Exemption application of JML Care Center, for the proposed twelve bed addition to the existing care center. Based on consideration of such application, the information presented and Commission staff recommendations, the Commission makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The site is not within a critical wildlife or plant habitat area as defined by the Massachusetts Natural Heritage and Endangered Species Program.
2. The site is within a Water Resource Protection Area. However, the addition will be connected to the municipal stormwater and sewer systems. Therefore, the proposal will not present a significant impact to the regional water resources.
3. The addition has been determined by the Massachusetts Historical Commission to be unlikely to affect significant historic or archaeological resources.
4. The proposed addition will not present significant impacts regarding transportation issues outside the Town of Falmouth due to its low trip generation.
5. The proposed addition will not present significant community character impacts outside the Town of Falmouth due to the following design considerations: Height and scale of a new building, traditional Cape Cod architectural styles, pedestrian amenities, landscape plan, lighting, underground utilities and screened storage areas.

- 6. At this time the Town of Falmouth has not yet developed it's local comprehensive plan. Therefore, this review standard is not applicable to the application.
- 7. The Zoning By-law of the Town of Falmouth allows the proposed use.
- 8. This project is not located within a Districts of Critical Planning Concern.

**CONCLUSION**

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

The location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality (Falmouth) in which the development is to be located. This conclusion is supported by findings # 1, 2, 3, 4 and 5 listed above.

The application is consistent with the Commission's Regional Policy Plan. This conclusion is supported by finding(s) listed above.

The application is consistent with local development by-laws. This conclusion is supported by finding # 7 listed above.

The application is not located within a District of Critical Planning Concern. This conclusion is supported by finding # 8 listed above.

The Commission hereby approves the Development of Regional Impact Exemption Application for JML Care Center, pursuant to Section 12(k) of the Act.

  
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 Richard S. Armstrong, Chairman

5/14/92  
 Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 14<sup>th</sup> day of May 1992.

Katharine L Peters  
 Name, Notary

My Commission Expires: My Commission Expires December 5, 1997  
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 Date