

# CAPE COD COMMISSION

3225 MAIN STREET  
P.O. Box 226  
BARNSTABLE, MA 02630  
508-362-3828  
FAX: 508-362-3136

DATE: January 6, 1994 #CCC TR 93021

TO: Mr. Joseph Martyna, Falmouth Hospital Foundation, Inc.  
Falmouth Hospital  
100 Ter Heun Drive  
Falmouth, MA 02540

FROM: Cape Cod Commission

RE: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13

PROJECT: FHF Assisted Living Center, Ter Heun Drive, a 62,300 sq. ft. assisted living facility containing 56 assisted living units for elderly needing assistance with activities of daily living, with associated public, administrative, and service/support areas.

BOOK/PAGE#: Book 4602, Page 124 Assessors parcel # 38-1-9-2 Lot 3

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Falmouth Hospital Foundation, Inc. for a Development of Regional Impact (DRI) under Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed assisted living facility in Falmouth, MA. The decision is rendered pursuant to the vote of the Commission on January 6, 1994.

### PROJECT DESCRIPTION

The proposed project is a 62,300 square foot residential building on the Falmouth Hospital Campus, located on Bramblebush Drive, off of Ter Heun Drive, behind the parking lot for the Falmouth Hospital. It consists of 56 residential units with assisted living services for the elderly in need of limited assistance with supporting educational and administrative services. This development would offer a level of elderly care not currently available in this area.

FHF Assisted Living Center

DRI Decision

January 6, 1994

## PROCEDURAL HISTORY

Two Subcommittee public hearings were held (11/8/93 continued to 11/22/93, with subsequent notice provided), to receive testimony and discuss issues relevant to the Project. A site visit was conducted on (11/8/93). At the 11/22/93 hearing the Subcommittee voted to close the public hearing, but to leave the record open until the next scheduled Subcommittee meeting on 12/6/93. As a result of the testimony received at the two public hearings, first-hand site information, application materials submitted by the Applicant, technical information provided by staff, and the subcommittee meetings of 12/6/93 and 12/16/93, the Subcommittee voted to recommend to the full Commission that the proposed FHF Assisted Living Center be approved as a DRI, subject to certain modifications to the plan, and conditions. A subcommittee report was presented to the full Commission on 12/16/93. At this meeting the Commission voted 14 in favor, 0 opposed with 2 abstentions to accept the subcommittee report and directed the staff to prepare a written decision for the next Commission Meeting.

## MATERIALS SUBMITTED FOR THE RECORD

<u>From the Applicant:</u>	<u>Prepared by:</u>	<u>Date:</u>
Determination on project	Willis B. Reals	Aug. 12, 1993
DRI Application	Richard Heym Assoc.	Oct. 5, 1993
Gas connection	Colonial Gas Company	Oct. 20, 1993
Gas connection	Joseph C. Martyna	Oct. 25, 1993
Response to staff report	Richard Heym Assoc.	Nov. 8, 1993
Market and planning update	HC Management Assoc.	Nov. 12, 1993
Cover letter	Willis B. Reals	Nov. 12, 1993
Conservation restrictions	Robert H. Ament	Nov. 15, 1993
Conservation restrictions	Robert H. Ament	Nov. 22, 1993
Traffic information	VHB	Nov. 22, 1993
Traffic information	VHB	Dec. 6, 1993
Conservation/Traffic issues	Robert H. Ament	Dec. 6, 1993
Open space	Robert H. Ament	Dec. 15, 1993

<u>From the State:</u>	<u>Issue:</u>	<u>Date:</u>
Mass. Historical Com.	No significant resources	Nov. 1, 1993

<u>From the Town:</u>	<u>Issue:</u>	<u>Date:</u>
Board of Selectmen	Letter of support	Nov. 8, 1993
Human Services	Concerns	Nov. 8, 1993
Town Administrator	Sewer treatment	Dec. 7, 1993

**FHF Assisted Living Center**

**DRI Decision**

**January 6, 1994**

<u>From the Public:</u>	<u>Issue:</u>	<u>Date:</u>
Visiting Nursing Assoc.	Letter of support	Oct. 27, 1993
JML Care Ctr.	Letter of support	Nov. 1, 1993
Falmouth Academy	Letter of support	Nov. 8, 1993
Gosnold Treatment Ctr.	Letter of support	Nov. 9, 1993
Falmouth Hospital	Letter of support	Nov. 12, 1993
Sippewissett Assoc. Inc.	Letter of support	Nov. 15, 1993
Sippewissett Assoc. Inc.	Width of Sippewissett Road	Nov. 15, 1993

The Commission also received oral testimony from public officials and members of the public as described in the minutes of the subcommittee public hearings held on 11/8/93 and 11/22/93. The application and notice of public hearings relative thereto, the Commission's staff reports, and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings, including materials submitted on file # TR 93021 are incorporated into the record by reference.

#### JURISDICTION

The proposed project qualifies as a DRI under Section 12(C)(6) and (7). The proposed project was referred by Brian A. Currie, Falmouth Town Planner on 10/4/93. The applicant submitted a DRI application on 10/5/93. The application was accepted by Commission staff on 10/19/93.

#### TESTIMONY

At the public hearings of 11/8/93 and 11/22/93, the following people testified on the proposed project:

Bill Reals, Chairman of the Task Force, introduced the project team, described what assisted living centers are, the need for such facilities on the Cape, and described the scope of the proposed project.

Richard Heym, Architect, presented front elevation renderings, floor plans, facilities, features and services planned.

Mike McGrath, Engineer for FHF, spoke about the Falmouth Waste Water Treatment Plant and its operational problems (lawsuit currently underway

regarding the construction of this facility). FWWTP is designed to handle 1.25 mgd, but is now operating at about one-fifth of that. The project is expected to use only 0.5% of the design capacity of the FWWTP (1.7% of current load).

Melisa Mintz, Senior Project Engineer, Vanasse Hangen Brustlin, Inc., summarized their written documentation in response to the staff report.

Pat Flynn, speaking on behalf of the Selectboard, read a letter in support of the project. The Selectboard stated they had no problem with groundwater or sewer hookup.

Peter Kirwin, Director of Human Services for Falmouth, read from a letter to the Cape Cod Commission outlining some areas of concern, including the lack of demographic/population information provided, no provision of affordable housing (or services), and access for the blind and the deaf.

Janet Hand, Falmouth Planning Board, speaking for herself, urged that Ter Huen Drive be completed through to Standish Avenue as a condition of this project. She said the engineering designs (for the road extension) were environmentally sound, the extension could be accomplished for \$200,000 and that the hospital will be expanding even further in the future.

Bob Ament, Attorney for FHF, discussed two prepared documents (later circulated) expressing concerns on the affordable housing and open space.

Peter Hickman, trustee of FHF, but speaking as a private citizen and resident of Cotuit, spoke in support of the project by telling of how such a facility could have helped his mother-in-law if it had then existed. There is a great need for this type of facility.

Norman Cross, Falmouth resident, spoke in support of the project, but is opposed to any extension of Ter Huen Drive.

### FINDINGS

The Commission has considered the DRI application of Falmouth Hospital Foundation, Inc. for the Assisted Living 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 proposed facility will serve a need on Cape Cod, providing an alternative for those elderly who require assistance with basic activities of daily living (dressing, bathing, meal preparation, etc.), but who do not yet require the level of ambulatory assistance and medical services available at a nursing home.

2. The campus of the Falmouth Hospital, with its other related facilities in the health care continuum, is a logical setting for this additional component of care.
3. The site is presently wooded and abuts Beebe Woods (town owned conservation land) to the west and south, Bramble Bush Medical Center to the east, Falmouth Hospital, JML Care Center and Gosnold Treatment Center to the north.
4. The site will be served by gas, electric, municipal water and sewer. All the above-referenced utilities are located underground.
5. The main building is proposed on the high point of the site with natural vegetation remaining on the eastern and western portions of the property. The mass, scale and architecture of the building are reminiscent of resort hotels from the Victorian Era. Public views to the building are limited to a short section of Ter Heun Drive. No single family homes abut the site and no negative impacts to community character are anticipated.
6. The Assisted Living Center will provide medication supervision for clients with health problems who are unable to do this themselves. However, supplies of drugs and pharmaceuticals on hand will be limited to those clients must bring with them as prescribed by their primary care physician. No diagnostic or therapeutic procedures involving hazardous materials or wastes will be performed at the center.
7. Since the Project will more closely resemble a residence than a medical facility, hazardous wastes are not expected to be generated and hazardous materials will be of household quantities. Limitations will be placed upon the storage and use of these materials (including but not limited to arts and crafts supplies and cleaning agents) to avoid inappropriate use or disposal by residents or unauthorized employees.
8. The Commission received a "no further review" determination from Massachusetts Historical Commission on 11/1/93.
9. The project, when completed, will generate approximately 18 cubic yards of solid waste per week, of which 3-4 yards are currently suitable for recycling, and for which a separate dumpster will be provided. The applicant currently participates in cardboard recycling, the only program now available through private haulers in Falmouth. It is expected that recycling options will soon expand to glass, paper, plastic and metal containers, at which time the applicant has agreed to recycle those materials as well.

10. The proposed project site is directly adjacent to the Beebe Woods Conservation area, falls within the Proposed Capewide Greenbelt, is within the zone of contribution of the proposed Beebe Woods Wellhead Protection Area, and is presently undeveloped woodland. With this proposal the Applicant will retain 54% of the total site as undisturbed woods, and the total impervious coverage is limited to 18%. The Applicant will, through a combination of undisturbed woodland, lawn and landscaped areas, provide the required 40% preserved open space on site, and shall delineate the same on a site map.

11. Due to the relatively minor impacts of this Project upon levels of service at nearby roadways and intersections (one second of additional delay at the intersection of Ter Heun Dr. and Route 28), minimal structural improvements are required for this Project. The applicant has committed to the following mitigation measures: off-peak-hour shift scheduling, shuttle-van service, an employee car-pool/ride-sharing program campus-wide, sidewalk construction, B-bus service connections, an employee transportation coordinator, and a guaranteed ride-home service. A monitoring program will be implemented to determine the effectiveness of the above mitigation measures.

12. The proposal to complete Ter Heun Drive as impact mitigation for this project would require some land takings, road construction, raises wetland issues and would change the character of the Sippewissett area. Whether this would improve or worsen the level of service at the intersection of Ter Heun Drive, Jones Road and Palmer Avenue has not been determined. This proposal raises a concern with maintaining the existing community character of the Sippewissett area, and is not recommended in association with this DRI.

13. Wastewater from the FHF Center is proposed to be directed via a sewer connection to the Falmouth Municipal Wastewater Treatment Facility (FWTF). The project site is within the Town's "Phase I" area for sewer hookups to the Facility. All requests for hookups within the Phase I area, including the subject Project have been approved.

14. The FWTF is discharging within the Marine Water Recharge Area (MWRA) to the West Falmouth Harbor ecosystem. A nitrogen loading study of the MWRA indicates that existing nitrogen within the MWRA may exceed the nitrogen loading limit of the Harbor ecosystem. The Town of Falmouth will complete a flushing study next summer to more closely define the flushing characteristics of the Harbor and its subembayments.

15. Since studies completed to date have indicated that nitrogen loading within the MWRA may exceed the loading limit of the Harbor, the MWRA may be classified as a Water Quality Improvement Area (WQIA) under the RPP. The Minimum Performance Standards for WQIA's require improvement of water quality through a reduction in nitrogen loading in the area.

16. Reasonable options have not yet been defined for mitigating the Project's nitrogen loading to the West Falmouth Harbor. However, the Town has acknowledged the need to address the problem and to develop remedial strategies that may include assessment of fair-share contributions from all FWTF users.

17. The FHF Assisted Living Center is located within the zone of contribution of Wellhead Protection Area (WHPA) to the proposed Beebe Woods town well. Preliminary results from the Cape Cod Commission/US Geological Survey Cooperative Project screening for potential water supply sites has indicated that the Beebe Woods well site is one of very few large areas in Falmouth that is both outside of the flowpaths of the hazardous waste plumes from the Massachusetts Military Reservation and near a major population center.

18. The Regulatory Committee has determined that this application should not be reviewed as a residential DRI. Since the facility will be primarily residential in character (no medical services), the Subcommittee finds there is a serious need for assisted living facilities that are affordable for low and moderate income elders in Falmouth and throughout the region.

19. The subcommittee has determined this project is primarily residential in nature therefore, the subcommittee recommended that the applicant make some accommodation for providing assisted living facilities that are affordable for low to moderate income elderly residents.

20. The proposed FHF Assisted Living Center is consistent with local development by-laws.

21. The proposed FHF Assisted Living Center is not located with a District of Critical Planning Concern.

### CONCLUSION

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

The probable benefit from the proposed development is greater than the probable detriment. This conclusion is supported by finding(s) # 1 and 5 listed above.

The application is consistent with Commission's Regional Policy Plan. This conclusion is supported by the finding(s)# 5, 11 and 12 listed above.

The application is consistent with local development bylaws. This conclusion is supported by finding(s) # 20 listed above.

The application is not located within a District of Critical Planning Concern. This conclusion is supported by finding # 21 listed above.

The Commission hereby approves the DRI application for the FHF Assisted Living Center, pursuant to Section 12 and 13 of the Act. The following conditions are to be attached to this approval:

### CONDITIONS

1. All final submissions, final designs, final plans and verbal representations by the Applicant shall, by reference hereto, be incorporated as conditions of approval.
2. 40% of the total area of the site shall be permanently preserved as open space, as delineated on the open space site plan dated December 14, 1993, prepared by Holmes and McGrath. Any change in the reserved open space as shown in this plan shall require a Major Modification to this DRI Permit by the full Commission.
3. With the exception of approved notations to the contrary made on the site plan noted in Condition 2 above, such areas shall be used only for passive, non-motorized recreation and conservation purposes, and the removal or alteration of naturally-occurring vegetation or topography is prohibited within the preserved open space.
4. At such time as the Town of Falmouth identifies remedial actions to be undertaken to address nitrogen loading to the West Falmouth Harbor from the Falmouth Wastewater Treatment Facility, the Applicant shall pay its fair share of the costs of such remediation, as determined by the Town.
5. The Commission shall issue a Certificate of Compliance prior to the issuance of a Certificate of Occupancy. The facility shall not be opened to the public prior to Commission issuance of a Certificate of Compliance.
6. The applicant shall implement shift changes at approximately 7:00 AM, 3:00 PM, and 11:00 PM in an effort to reduce traffic impacts during the peak hours.
7. The applicant shall appoint an employee to serve as a part-time Transportation Coordinator. The Coordinator shall be responsible for informing employees about ride-sharing, carpooling and alternative transportation modes for commuting to work. Upon operation of the FHF facility, the applicant shall inform the Cape Cod

Commission of the name and telephone number of the appointed coordinator to allow interaction between the two. The Coordinator shall submit annual reports to the Cape Cod Commission which shall address the Project's compliance with these conditions for a period of five years after the Issuance of a Certificate of Occupancy.

8. A dedicated bulletin board/display area shall be provided so that employees seeking to ride-share can post appropriate notices. This information will be overseen by the Transportation Coordinator.
9. Four parking spaces shall be constructed and designated as "carpool" spaces. These spaces shall be conveniently located near the staff entrance to the building.
10. The applicant shall provide a secure bicycle rack and shower facility for employees wishing to bike to work.
11. A separate and distinct pedestrian-only sidewalk will be provided to accommodate pedestrian activity in the area. This sidewalk will be constructed from Ter Heun Drive southerly along the Falmouth Hospital access road to the site.
12. The applicant shall provide on-demand shuttle van services to residents of the proposed facility.
13. An appropriate, sheltered pick-up/drop-off area shall be designed and constructed, to accommodate the local bus service which provides public transportation throughout the Falmouth area, prior to the Issuance of a Certificate of Occupancy for the facility. The shelter's location and design must be approved by the Commission's transportation staff in consultation with the Regional Transit Authority prior to construction. .
14. A program shall be implemented to monitor future peak hour project traffic and adjacent street traffic. The monitoring program shall be conducted six months after and two years after initial occupancy of the facility. A report of the findings shall be submitted to the Cape Cod Commission.
15. Through compliance with the above trip-reduction conditions, the applicant shall set a goal of 20 percent employee participation in transportation modes that do not rely on single-occupancy vehicle use.
16. The applicant shall recycle cardboard.

The Commission hereby approves the DRI application for the FHF Assisted Living Center, pursuant to Section 12 and 13 of the Act.

*David Ernst*  
David Ernst, Chair

*1/6/94*  
Date

*Kenneth Baock, Vice Chair*

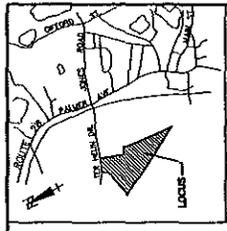
**Commonwealth of Massachusetts**

Barnstable, ss.

Subscribed and sworn before me this *6<sup>th</sup>* day of *Jan*, <sup>*1994*</sup> ~~1993~~

*Katharine H Peters*  
Name, Notary Public

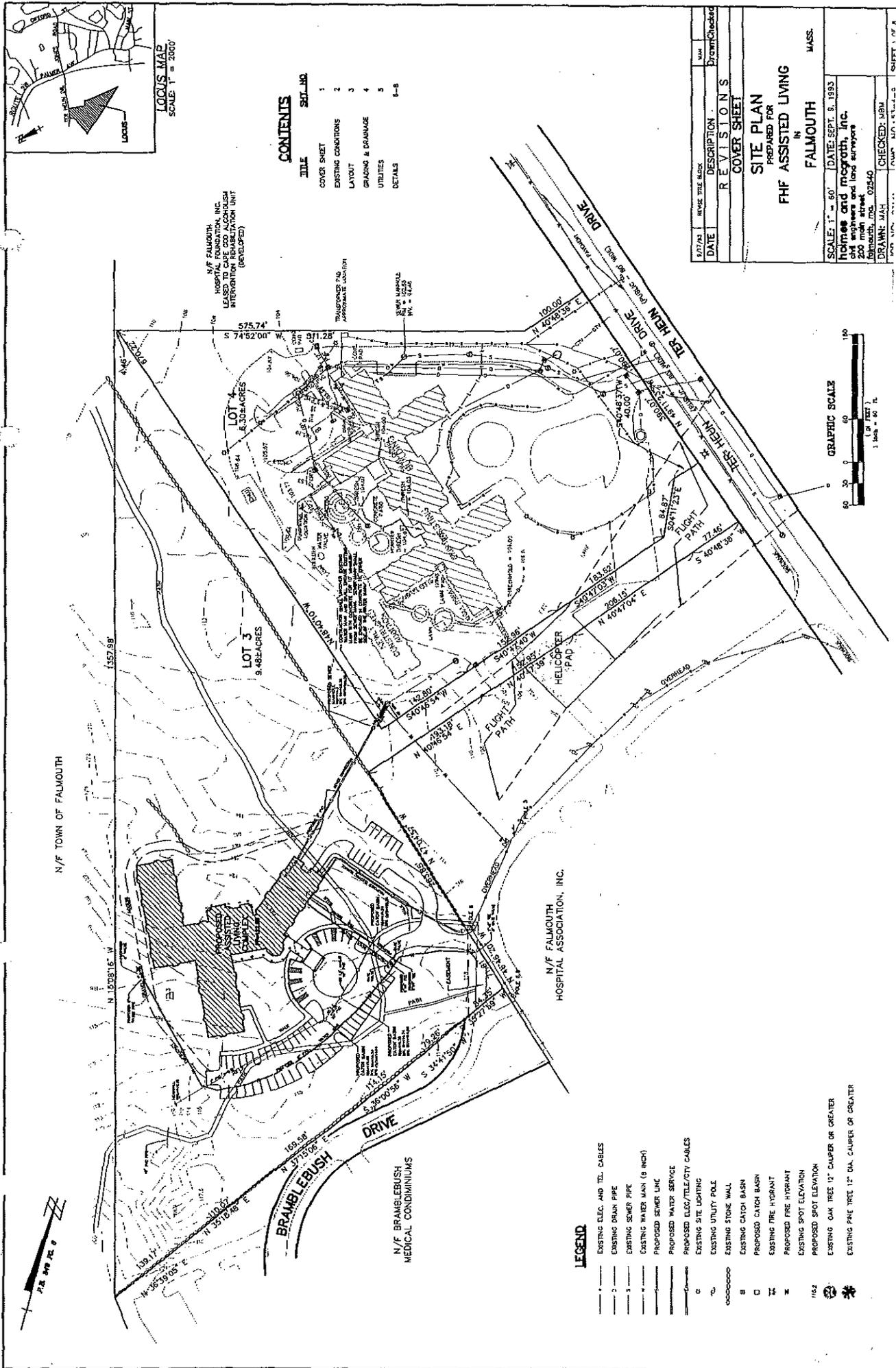
My Commission expires: ~~December 31, 1997~~ \_\_\_\_\_



**LOCUS MAP**  
SCALE 1" = 2000'

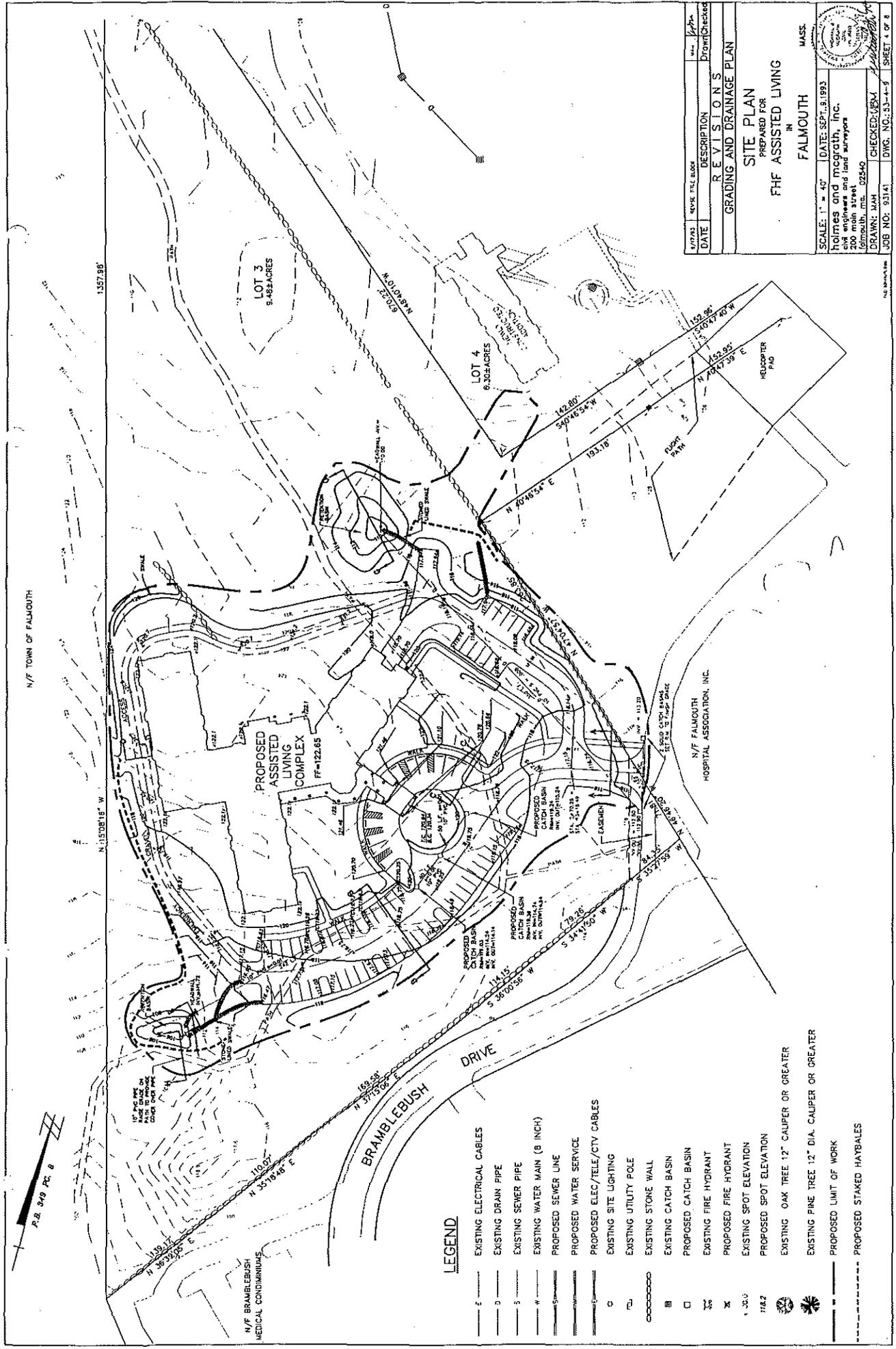
TITLE	SHEET NO.
COVER SHEET	1
EXISTING CONDITIONS	2
LAYOUT	3
GRADING & DRAINAGE	4
UTILITIES	5
DETAILS	6-8

DATE	REVISIONS	DESCRIPTION	BY	CHECKED
10/17/93		REVISIONS		
<b>COVER SHEET</b>				
<b>SITE PLAN</b>				
PREPARED FOR				
<b>FHF ASSISTED LIVING</b>				
IN				
<b>FALMOUTH</b>				
MASS.				
SCALE: 1" = 60'		DATE: SEPT. 5, 1993		
Prepared by: <b>Holmes and Mcgrath, Inc.</b> Civil Engineers and Land Surveyors 200 Main Street Bridgewater, MA 01920				
DRAWN: MAH		CHECKED: MSB		PLAT NO. 12-11-93
				SHEET 1 OF 8



**LEGEND**

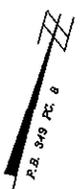
- — — — — EXISTING ELEC. AND TEL. CABLES
- — — — — EXISTING DRAIN PIPE
- — — — — EXISTING SEWER PIPE
- — — — — EXISTING WATER MAIN (8 INCH)
- — — — — PROPOSED SEWER LINE
- — — — — PROPOSED WATER SERVICE
- — — — — PROPOSED ELEC./TEL./CITY CABLES
- EXISTING SITE LIGHTING
- EXISTING UTILITY POLE
- — — — — EXISTING STONE WALL
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN
- ⊘ EXISTING FIRE HYDRANT
- ⊘ PROPOSED FIRE HYDRANT
- — — — — EXISTING SPOT ELEVATION
- — — — — PROPOSED SPOT ELEVATION
- ⊙ EXISTING OAK TREE 12" DIA. CALIPER OR GREATER
- ⊙ EXISTING PINE TREE 12" DIA. CALIPER OR GREATER



DATE	DESCRIPTION	DATE	SCALE
11/17/23	NEW FILE BLOCK	11/17/23	1" = 40'
<b>REVISIONS</b> <b>GRADING AND DRAINAGE PLAN</b>			
<b>SITE PLAN</b> PREPARED FOR <b>FFH ASSISTED LIVING</b> IN <b>FALMOUTH</b> MASS.			
SCALE: 1" = 40' Holmes and McLaughlin, Inc. civil engineers and land surveyors 200 main street Falmouth, MA 02540		DATE: SEPT. 8, 1993 CHECKED: JRM/ML DWG. NO.: 53-4-9 SHEET 4 OF 8	

**LEGEND**

- E — EXISTING ELECTRICAL CABLES
- D — EXISTING DRAIN PIPE
- S — EXISTING SEWER PIPE
- W — EXISTING WATER MAIN (8 INCH)
- SW — PROPOSED SEWER LINE
- WS — PROPOSED WATER SERVICE
- EC — PROPOSED ELEC/TELE/CTV CABLES
- EL — EXISTING SITE LIGHTING
- EU — EXISTING UTILITY POLE
- EW — EXISTING STONE WALL
- EB — EXISTING CATCH BASIN
- CB — PROPOSED CATCH BASIN
- EH — EXISTING FIRE HYDRANT
- FH — PROPOSED FIRE HYDRANT
- 1.20.0 — EXISTING SPOT ELEVATION
- 114.2 — PROPOSED SPOT ELEVATION
- OAK — EXISTING OAK TREE 12" CALIPER OR GREATER
- PINE — EXISTING PINE TREE 12" DIA. CALIPER OR GREATER
- — — — — PROPOSED LIMIT OF WORK
- — — — — PROPOSED STAKED HAYBALES



N/F TOWN OF FALMOUTH

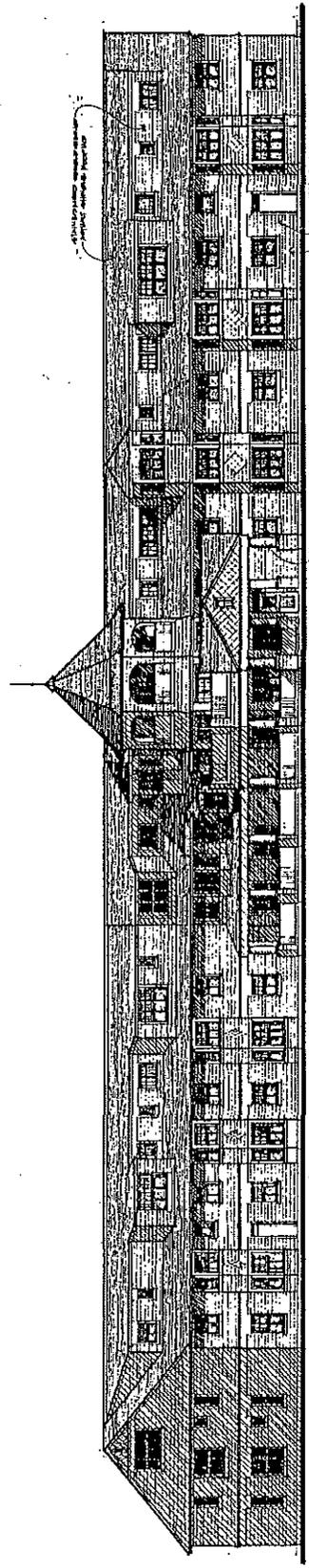
N/F BRAMBLEBUSH MEDICAL CONDOMINIUMS

HOSPITAL ASSOCIATION, INC.

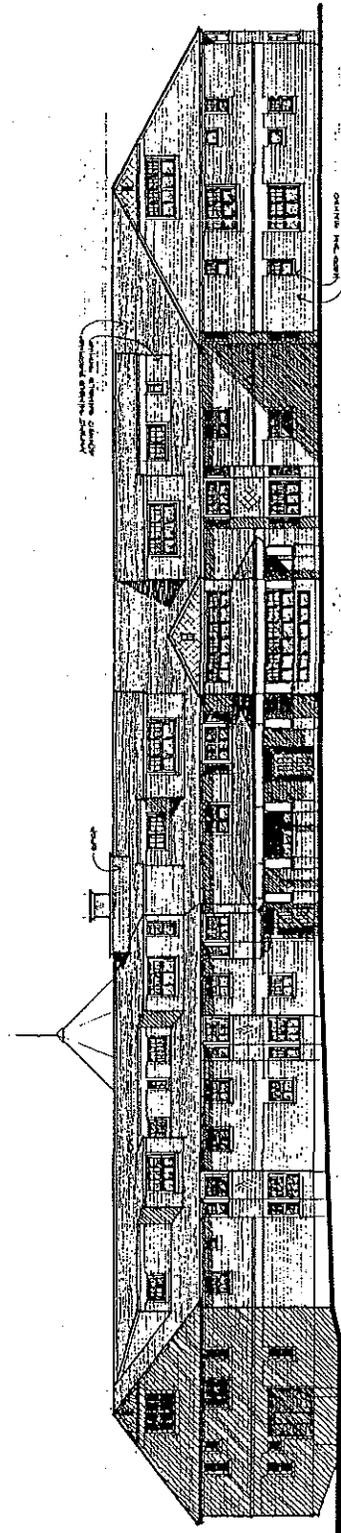
N/F FALMOUTH



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FRONT ELEVATION



REAR ELEVATION

OWNER: U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
 FEDERAL HOUSING ADMINISTRATION  
 400 MARYLAND AVENUE, N.W.  
 WASHINGTON, D.C. 20548

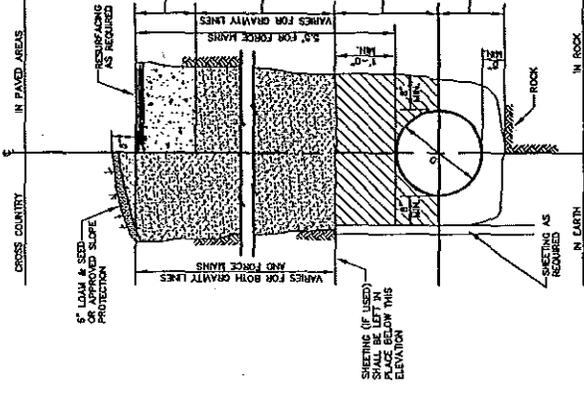
ARCHITECTS AND PLANNERS:  
 RICHARD H. SMITH, INC.  
 1000 BRIDGE STREET  
 FALLS CHURCH, VA 22034  
 PHONE (703) 747-1400  
 FAX (703) 747-1403

JOB # 8114 CAD FILE # 11-4-80  
**THE ASSISTED LIVING CENTER**  
 FALLS CHURCH, VA

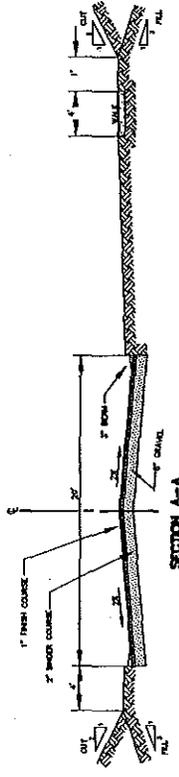
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ELEVATIONS

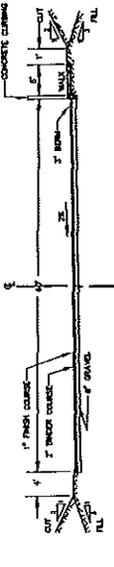
SHEET # 04 ONE OF A4.01



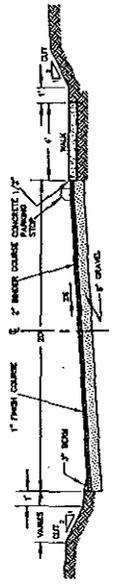
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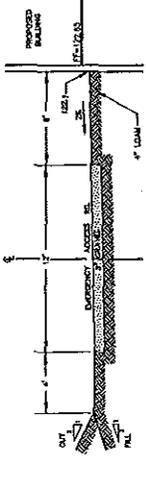
**SECTION A-A**  
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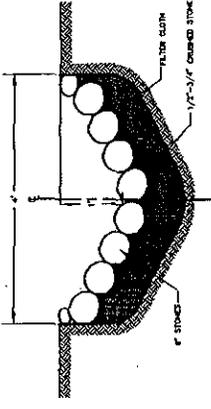
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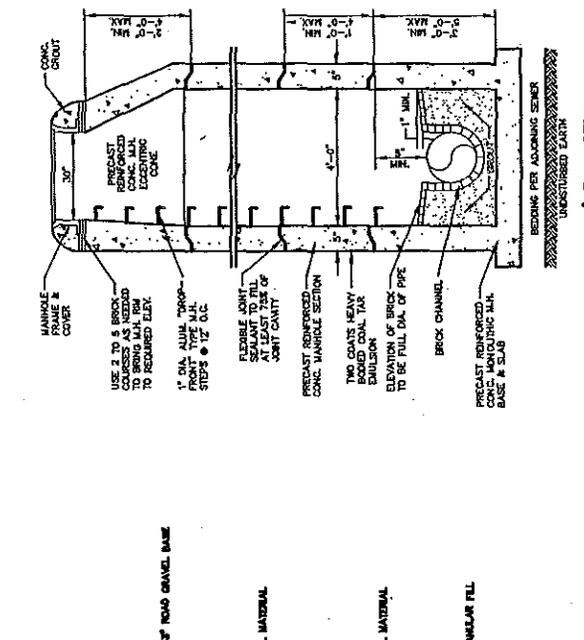
**SECTION C-C**  
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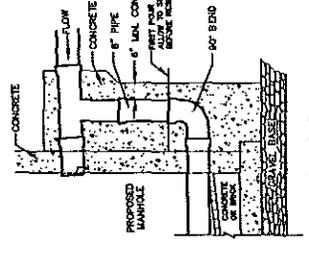
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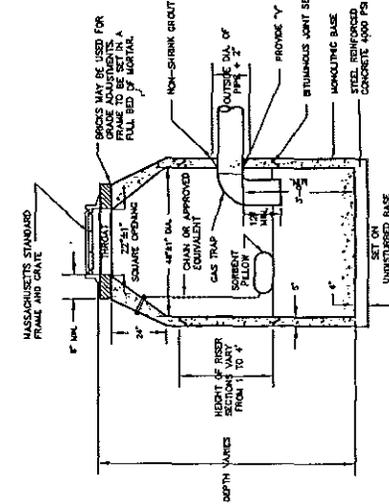
**SECTION E-E**  
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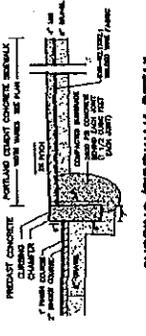
**4\"/>
 NOT TO SCALE**



**DROP MANHOLE CONNECTION**  
NOT TO SCALE

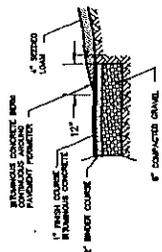


**TYPICAL SOLID CATCH BASIN**  
NOT TO SCALE



**CURBING/SIDEWALK DETAIL**  
SCALE 1/2" = 1'-0"

DATE	DESCRIPTION	DRAWN	CHECKED
<b>REVISIONS</b>			
<b>DETAILS</b>			
<b>SITE PLAN</b>			
<b>PREPARED FOR</b>			
<b>FHF ASSISTED LIVING</b>			
<b>IN</b>			
<b>FALMOUTH</b>			
<b>MASS.</b>			
SCALE: AS SHOWN		DATE: AUG. 16, 1993	
Prepared and designed by			
James and McGrath, Inc.			
200 North Street			
Falmouth, MA 02540			
DRAWN: MAH		CHECKED:	



**BERM DETAIL**  
NOT TO SCALE