



CAPE COD COMMISSION

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Date: August 13, 1998

Re: Development of Regional Impact Exemption Request
Cape Cod Commission Act, Cape Cod Commission
Regulations of General Application

Applicant: Cape Cod Hospital

Project #: EX98023

Project: Cape Cod Hospital Lobby Expansion
27 Park Street
Hyannis, MA 02601

Lot/Plan: Book 7184, Pages 236-238
Plan Book 472, Pge. 40

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Cape Cod Hospital for a Development of Regional Impact (DRI) Exemption under Section 12(k) of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended (ACT). The Decision is rendered pursuant to a vote of the Commission on August 13, 1998.

PROJECT DESCRIPTION

The proposal consists of the construction of a one-story addition to the Cape Cod Hospital consisting of 12,099 square feet. The addition would allow relocation and expansion of currently existing uses which include the lobby area (gift shop and coffee shop), ambulatory patient area (infusion therapy, prompt care and endoscopy), and the pediatric unit. The project is located on the Cape Cod Hospital Campus in Hyannis, Massachusetts.

JURISDICTION

The project known as Cape Cod Hospital Lobby Expansion is reviewed by the Cape Cod Commission as a Development of Regional Impact (DRI) Exemption under the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended (ACT). The proposed project qualifies for a DRI review under Section 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact (Barnstable

County Ordinance 90-12), as amended, as an office expansion exceeding 10,000 square feet.

PROCEDURAL HISTORY

- June 4, 1998 The Cape Cod Commission received applications and supporting materials for both a DRI Exemption review and a DRI review.
- July 28, 1998 The application was deemed complete.
- July 28, 1998 A public hearing was held in Barnstable Town Hall to determine whether the project qualified for a DRI Exemption. A site visit was held prior to the public hearing.
- August 13, 1998 The Cape Cod Commission voted to grant a Development of Regional Impact Exemption to the project.

MATERIALS SUBMITTED FOR THE RECORD

- DRI Exemption Application received June 4, 1998
- DRI Application received June 4, 1998
- USGS site locus map received June 4, 1998
- Certified abutters list received June 4, 1998
- Town of Barnstable Application for Site Plan Review dated 5/11/98
- Site Plan dated May 19, 1998 prepared by Down Cape Engineering received June 4, 1998.
- Letter dated June 23, 1998 written by Ralph Crossen, Barnstable Building Commissioner to Mr. Dorr Fox received June 24, 1998.
- DRI Referral Form signed by Ralph Crossen, Barnstable Building Commissioner and Site Plan Review Meeting Minutes of June 18, 1998 received June 24, 1998.
- Letter dated July 6, 1998 written by Karen Andrews Parker, Preservation Planner, Massachusetts Historical Commission to Atty. Patrick Butler received July 9, 1998.
- Letter dated July 22, 1998 to Mr. Dorr Fox from Attorney Butler and Site Plans dated 8/11/92 (revised) and June 29, 1998 received July 22, 1998.
- Cape Cod Hospital Master Plan dated September 1997 (one draft copy and one final copy) received July 28, 1987.
- Letter dated July 29, 1998 to Tana Watt from Atty. Butler with attached minutes of Barnstable Site Plan Review Meeting of June 18, 1998, received on July 30, 1998.
- Fax of drainage lines from Anna Brigham, Site Plan Review Coordinator, to Tana Watt dated 8/5/98.
- Fax of memo dated August 3, 1998 to Ralph Crossen, Building Commissioner, from Robert A. Burgman, P.E., Town Engineer received August 10, 1998.
- Letter dated August 13, 1998 from Attorney Butler to Tana Watt, received August 13, 1998.

Note: No written materials or verbal comments were submitted on this modification request by State officials or the public.

The application and notice of the public hearing relative thereto, the Commission's staff report, and exhibits, minutes of all hearings and all written submissions received

in the course of the proceedings, including materials on file for EX98021 are incorporated into the record by reference.

TESTIMONY

Subcommittee members present: David H. Ernst, Chairman, Gwen Bloomingdale, Robert Randolph, Sumner Kaufman, Robert Deane. Staff present: Tana Watt, Project Planner, Dorr Fox, Chief Regulatory Officer, Glenn Cannon, Traffic Engineer

Mr. Ernst, Chairman, opened the July 28, 1998 public hearing at 7:00 PM. Mr. Kaufman read the hearing notice.

Attorney Patrick Butler explained that there was a master plan developed in the 1980's that outlined what would be needed in the 1990's. Technology has changed considerably since then. In 1991, a large addition was proposed, which included several improvements including an updated emergency room facility. This project was approved by the Cape Cod Commission as a DRI Hardship Exemption.

Mr. Butler stated that the Hospital has developed a master plan, and he distributed copies to the subcommittee. He explained that in 1996, the Commission approved a modification to the Hardship Exemption allowing an ambulatory surgical and oncology treatment facility.

Ms. Gail Frieswick, President of Cape Cod Hospital, reviewed the floor plan of the new proposal, including facilities for pediatrics, APA/endoscopy, prompt IV therapy, lobby, and gift and coffee shop. She explained the need for these facilities.

Mr. Butler stated that the proposed addition will not increase the number of patients, visitors or staff. He noted that hazardous materials issues will be improved by the project; there will be no increase. He stated that drainage issues on the site have been previously addressed in 1991 and 1996. He explained that traffic as a result of the expansion would not increase; his client agrees to cumulative review of traffic issues; and that traffic estimates based on the ITE code is of concern to him. He stated that he does not believe that the project has significant regional impacts.

The subcommittee made inquiries about the nature of the buildings surrounding the Hospital Campus, heliport facilities, and future master planning efforts. Mr. Kaufman asked if this was the last phase of the master plan. Representatives of the Hospital replied that it was as far as increasing the building footprint.

Ms. Watt presented the staff report, noting that the project is unlikely to have regional impacts in the areas of hazardous waste/hazardous materials and traffic, but there is a question about whether water resources will be impacted. She noted that a portion of the project was previously permitted, a portion is new construction, and a second floor conference room that had been permitted has been eliminated from the plans.

Ms. Bloomingdale asked if storm drainage is still flowing into Lewis Bay. Ms. Watt replied that according to the applicant this issue has been resolved. Mr. Kaufman stated that the stormwater drainage issue should be resolved. Ms. Watt and Mr. Fox

replied that they would look into the matter further. Ms. Bloomingdale requested documentation, and Mr. Butler offered to obtain letters from the Town Engineer and the Town Health Agent to determine if the issue had been resolved.

Mr. Randolph asked how the number of trips could be determined. Mr. Cannon replied that the number of expected trips is based on ITE trip rates unless an actual count or study is prepared.

Mr. Donald Bary, abutting property owner, voiced concern about how the project will affect his property.

Ms. Watt emphasized staff's concern about cumulative traffic impacts from repeated expansions and noted that the finding recommended in the staff report should appear in the decision. Mr. Butler had no objection to the finding, and again noted that he was concerned about using ITE trip data to evaluate traffic impacts.

Mr. Kaufman made a motion to continue the public hearing until the Commission meeting on August 13, 1998. Mr. Randolph seconded the motion and it was unanimously approved.

Mr. Kaufman made a motion to have the chairman review the draft decision recommending that a DRI Exemption be approved. Ms. Bloomingdale seconded the motion and it was unanimously approved.

The meeting was adjourned at 8:15 PM.

FINDINGS

The subcommittee has considered the applicant's request for a Development of Regional Impact Exemption for the proposed Cape Cod Hospital Lobby Expansion. Based upon consideration of such request, upon information presented at the public hearing, site visit and submitted for the record, the subcommittee makes the following findings:

1) The proposed project is not expected to have significant regional impacts to the resources protected by the Cape Cod Commission Act, including hazardous materials/hazardous waste, historic preservation, transportation and water resources (based on Finding #2, below).

2) The applicant met with the Town Engineer and Building Commissioner on Friday July 31, 1998, to discuss drainage concerns. The Town provided the Commission with a drainage sketch showing the drainage lines in question. As per an August 5, 1998 telephone discussion with Anna Brigham, Site Plan Review Coordinator, a Hospital roof drainage line is attached to a drainage line running from the Town of Yarmouth across Hospital property into Lewis Bay. The Town of Barnstable has initiated discussions with the Town of Yarmouth to close the drain originating in the Town of Yarmouth. In addition, the Hospital currently has a small expansion project before the Site Plan Review Committee, and during the course of this review, the Town is confident that the Hospital roof drains will be properly redirected for on-site retention. This was confirmed by an August 3, 1998 memo from Robert A. Burgmann, P.E.,

Town Engineer to Ralph Crossen, Building Commissioner. The Board of Health, as per a letter from Attorney Butler, is satisfied that this matter will be resolved during local review.

3) A portion of the project was previously permitted by the Cape Cod Commission in 1991. Because this area is unknown and the applicant is unable to provide the information, traffic impacts for this project are based on an area of 12,099 square feet.

4) Viewed separately, the impacts of the current proposal are not regionally significant with respect to transportation impacts, and it is possible that future modifications and/or new projects may not be regionally significant. The result is that cumulative impacts to the area roadway system as a result of individual Hospital projects have not been reviewed as part of a traffic study.

Finding # 4 of the Cape Cod Hospital Hardship Exemption Modification decision (October 17, 1996) required that the traffic impacts resulting from that project to be carried forward to any new projects or modifications. Because the Cape Cod Hospital is now located within a growth/activity center (as per the recently certified Barnstable Local Comprehensive Plan), the threshold under which a traffic study and mitigation for traffic impacts is required has changed. As a result, the impacts resulting from these two projects together do not meet or exceed a regional threshold. A review of the impacts of any new projects or modifications shall include the impacts from the Cape Cod Hospital Hardship Exemption Modification (October 17, 1996) project and this Cape Cod Hospital Lobby Expansion project. Until a master plan showing future expansion plans has been reviewed by Commission staff and possible mitigation approved by the Commission, the traffic impacts of all phases of Cape Cod Hospital expansion shall be added together and such development may require mitigation when regional thresholds are reached.

CONCLUSION

The Cape Cod Commission concludes that based on the Findings above and on information submitted in the DRI Exemption Application and at the public hearing, the project known as Cape Cod Hospital Lobby Expansion is exempt from Cape Cod Commission Development of Regional Impact Review under Section 12(k) of the Act because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipalities in which the development is located.

Herbert Olsen
Herbert Olsen, Chairman

Date 8-13-98

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 13th day of August 1998

Katharine L. Peters
Name, Notary Public



My commission expires:

Cape Cod Hospital Lobby Expansion
Development of Regional Impact Exemption Decision August 13, 1998