

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

Date: March 20, 2007

To: Mr. K. Bergman

From: Cape Cod Commission

Project: Cape End Care Campus
100 Alden Street,
Provincetown, MA 02657

Project #: HDEX # 05030

Re: Modification of Development of Regional Impact Hardship
Exemption Decision dated January 12, 2006

BOOK/PAGE: Book 2750, Page 81
Book 937, Page 383
Book 267, Page 404
Book 465, Page 138

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the Development of Regional Impact decision dated January 12, 2006 for the Cape End Care Campus at 100 Alden Street in Provincetown, MA is hereby amended. All findings and conditions attached to the original decision continue to apply except as modified herein.

Minor Modification #1

Finding G2 is modified to read as follows:

- G2. The Applicant is proposing the Cape End Care Campus in an effort to respond to the growing need for skilled nursing facilities and independent/assisted living facilities on Cape Cod and particularly in the Town of Provincetown. The facility will provide a continuum of care services at the Cape End Care Campus with 41 skilled nursing beds, 81 assisted/independent living apartments and an out-patient rehabilitation facility.

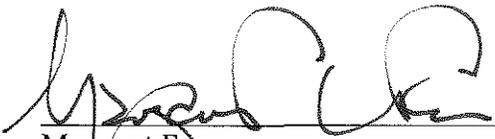


Finding AH1 is modified to read as follows:

AH1. MPS 5.1.1 requires that 10% of a project's proposed residential units be affordable units; in this case a total of thirteen (13) affordable units would be required. The applicant has proposed that nine (9) of the eighty-one (81) independent living apartments be affordable. This is four less than required under the RPP. The Applicant has shown that all of the skilled nursing beds are available to Medicaid-eligible patients and the Applicant anticipates that 60% or more of the skilled nursing beds would be used by Medicaid-eligible patients when the facility is operating. The Commission counts nursing beds as affordable units if they are affordable to individuals at or below 80% of area median income and who are Medicaid eligible and also requires that affordable units be deed restricted in perpetuity. The Applicant has shown that federal and state regulations prohibit any skilled nursing beds from being deed restricted in this manner and therefore despite being available as affordable units, the lack of a deed restriction means they are not considered affordable under the RPP.

Condition AH1 is modified to read as follows:

AH1. The Applicant shall provide nine (9) of the eighty-one (81) independent living apartments as affordable to households at or below 80% of area median income. Of the nine affordable apartments, at least three of the one-bedroom units shall be affordable and a maximum of six of the studio apartments shall be affordable. The income limits are established by the U.S. Department of Housing and Urban Development, as may be adjusted from time to time, for Barnstable County- Non Metro Area.

 3/21/07
Margaret Fenn Date
Executive Director
Cape Cod Commission

On this 21st day of March 2007, before me, the undersigned notary public, personally appeared Margaret Fenn proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Notary Public
Commonwealth of Massachusetts

My Commission Expires: 10/13/11