



# CAPE COD COMMISSION

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Date: April 25, 2008

To: Mr. Herb Taylor  
New England Deaconess Association

From: Cape Cod Commission

CC: Ms. Sharon Lynn  
Town of Provincetown

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

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## 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, and modified on March 20, 2007, October 15, 2007 and December 12, 2007 for the Cape End Care Campus at 100 Alden Street in Provincetown, MA is hereby amended to reference changes and refinements made during the permitting and construction process, including changes to the landscaping plan, the addition of walkways and patios, and revisions to the building and site (elevations/drainage) since the Commission approval. All findings and conditions attached to the original decision continue to apply except as modified herein.

### Minor Modification #1

Condition G1 is modified to read as follows:

- G1. All work shall be constructed in a manner consistent with the following plans:
- Plans prepared by Coastal Engineering Company
    - (1) dated November 20, 2006 (Sheets SD-1 and DET-2),
    - (2) dated November 20, 2006 and revised May 1, 2007 (Sheet DET-1 and SD-2),



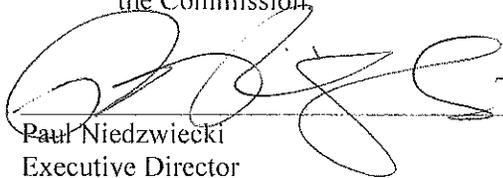
- (3) dated March 17, 2008 and revised March 27, 2008 (Sheet SKC-3).
- Plans prepared by HBLA Inc. revised March 26, 2008 (Sheet L-1 and L-2)
- Plans prepared by EGA Architects dated November 20, 2006 (Sheets E-13A (Site lighting) and A-1.0, A-1.1, A-1.2, A-1.3, A-1.4, A-1.5, A-1.6 and A-1.7) and as modified by plans dated December 7, 2007 (Titled Goldberg Unit – 300)

Any deviation during construction from the approved plans, including but not limited to changes to the building design, building location, lighting, landscaping or other site work, shall require approval by the Cape Cod Commission through a modification process, pursuant to Section 12 of the Commission's Enabling Regulations. The applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

- WR1. Prior to a Preliminary Certificate of Compliance for Phase 1, the Applicant shall provide more detailed information regarding the proposed rain gardens for Commission staff review and approval, including plans, cross-sections and details. Prior to the Final Certificate of Compliance for Phase 2, all proposed rain gardens shall be installed and landscaped in accordance with the approved plans.
- SW1. Prior to the issuance of a Final Certificate of Compliance for Phase 2, the applicant should provide a narrative that details how the Campus will provide recycling facilities for residents as required in MPS 4.2.1.3.
- T3. The applicant shall implement a trip reduction program for all employees, residents, guests, visitors, and out-patients in accordance with the program described in Attachment 7 of the Addendum to DRI Application received by the Commission on December 28, 2005. Prior to the issuance of the Final Certificate of Occupancy for Phase 1, the applicant shall submit for Commission staff approval a package describing the trip reduction program (including handout information regarding specific services). Prior to issuance of a Preliminary Certificate of Compliance for Phase 2, the applicant shall install the bulletin board with posted trip reduction information as proposed in the trip reduction program. The Applicant shall distribute trip reduction packages to all employees and residents upon occupancy of the facility or as new residents move into the facility and shall update the package at least once a year (or as needed to incorporate changes in the program) and distribute it periodically to all employees and residents.
- CC2. Prior to issuance of a Final Certificate of Compliance for each phase, Commission staff shall conduct a site visit to verify conformance of the exterior lighting design with MPS 6.2.7, 6.2.11 and Technical Bulletin 95-001. Pole or wall-mounted fixtures that use incandescent or compact fluorescent bulbs and that are similar to those used in residential settings may be allowed in accordance with Technical Bulletin 95-001 and subject to Commission staff approval.
- CC3. Prior to any construction activity for the project and the issuance of the first Preliminary Certificate of Compliance, the applicant shall submit a final landscape plan for staff review and approval. Prior to issuance of the Final Certificate of Compliance for Phase 2, landscaping shall be installed as shown on the approved landscape plan.
- CC4. Prior to any construction activity for the project and the issuance of the first Preliminary Certificate of Compliance, the applicant shall submit a draft maintenance contract for 3 growing seasons (a growing season is defined as the period between March 15 and

October 31) for staff review and approval. Prior to the issuance of a Final Certificate of Compliance for Phase 2, the applicant shall submit an executed maintenance agreement consistent with the approved draft for maintenance of all installed landscaping for a period of three years.

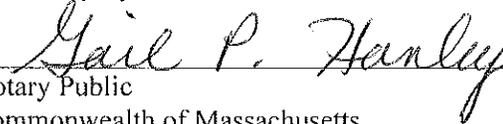
CC6 If all required site work and/or landscape improvements are not complete at the time a Final Certificate of Compliance is sought from the Commission, any work that is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of the cost of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The check shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the applicant, with interest, upon completion of the required work. All site work and/or landscape improvements shall be completed within six (6) months of issuance of a Final Certificate of Compliance from the Commission.

  
Paul Niedzwiecki  
Executive Director  
Cape Cod Commission

4/25/08  
Date

Commonwealth of Massachusetts  
County of Barnstable

On this 25<sup>th</sup> of April, 2008, before me, the undersigned notary public, personally appeared Paul Niedzwiecki 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