

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

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### MINOR MODIFICATION TYPE #1

Date: November 6, 2013

To: Eliza Cox, Esq.  
Nutter McClennen & Fish LLP  
PO Box 1630  
Hyannis, MA 02601

Applicant: Cape Cod Hospital

Project & Location: Cape Cod Hospital  
2, 8, 16, 20, 27, 34 and 47 Park Street, Hyannis, MA 02630

Project #: HDEX# 12031

Town Map/Parcel: 342/1; 342/5; 342/6; 342/7; 342/8; 342/9; 342/39; 327/217;  
327/220

Registry Plan Book/Page: 604/62; 158/145/; 203/37

Registry Deed Book/Page: 12588/295; 21898/133; 20017/335; 11906/163; 12461/ 291;  
27495/ 301; 26705/ 131; 12772/ 227;

Cert(s). of Title: 4951

Land Court Plan: 16459-A

### MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 13 of the Cape Cod Commission's *Enabling Regulations* (Revised March 2013/New Fee Schedule Effective 7/1/13), the Development of Regional Impact (DRI) Hardship Exemption Project of Community Benefit (HDEX/POCB) decision for Cape Cod Hospital's (the Hospital, or Applicant) 25,000 square foot addition to the west side of the current emergency center in Barnstable, MA dated October 11, 2012, as amended by Minor Modification Type #1 decisions dated January 25, 2013, May 29, 2013, and September 11, 2013, is hereby further amended to allow changes to the Hospital's off-site parking previously approved in said decisions located along on the north side of Park Street/Gleason Street, across from the Hospital's main campus at 27 Park Street.

### PROPOSED MODIFICATIONS

By cover letter dated October 18, 2013, 2013, the Commission received information from Attorney Eliza Cox, of Nutter, McClennen & Fish, on behalf of Cape Cod Hospital, the Applicant, requesting the above referenced modification. The DRI decision, as modified, permits the

redevelopment of 8, 16 and 20 Park Street to create a new parking area on the north side of Park Street, including demolition of the building formerly located at 8 Park Street. There is a demand for additional parking to serve the Hospital. According to Attorney Cox's letter, the Applicant has now serendipitously acquired the property at 2 Park Street, directly abutting 8 Park Street (2 Park Street was the only property on this block not owned by the Applicant).

The Applicant proposes to combine the 2, 8, 16, and 20 Park Street properties into a single lot with the abutting property it owns at 34 Park Street, which contains a building housing Hospital offices to be maintained along with the parking. The new combined lot would be addressed as 34 Park Street, and contain 47 parking spaces including two (2) van accessible spaces. The new parking lot would contain some dedicated parking for 'essential medical staff' (i.e. physicians and nurses) who require immediate parking to access the Hospital for emergencies. All three existing curbcuts along the north side of Park Street are proposed to be closed. The new lot is proposed to be gated and have a single one way access point and single one way egress point, with one way, west to east circulation across the lot.

2 Park Street is improved with a building the Applicant proposes to demolish to facilitate the parking. The Barnstable Historical Commission and Massachusetts Historical Commission have determined the building is not historically significant by written correspondence dated September 20 & 27, 2013, respectively.

The proposed redesigned parking lot allows for a deeper vegetated buffer on the northside of the lot than that previously approved, includes LID stormwater designs (swales and raingarden) resulting in decreased nitrogen loading over existing conditions, provides improved interior parking lot landscaping, and lighting fixtures consistent with the Commission's lighting technical bulletin and the Decision, as modified.

#### **MODIFICATION TYPES**

Section 13(c) of the Commission's *Enabling Regulations*, as amended March 2013, sets out the types of DRI modifications. A Minor Modification Type #1 is defined as "*revisions that are the result of more restrictive conditions imposed by a local board or technical corrections or changes that the Executive Director or his/her designee determine are de minimus changes to the project.*" The *Enabling Regulations* also state that Minor Modifications Type #1 "*shall be approved by that the Executive Director or his/her designee and reported to the Regulatory Committee and do not require further review by the Commission.*"

#### **DETERMINATION**

After consideration of the request by Attorney Cox, representing Cape Cod Hospital, the Applicant, the Commission's Executive Director has determined the requested modification constitutes a *de minimus* change to the Decision, and is approved as Minor Modification Type #1.

#### **CHANGES TO FINDINGS AND CONDITIONS**

All Findings and Conditions attached to the original DRI/HDEX/POCB Decision, as amended, continue to apply except as modified herein. New text is shown in **bold**. Deleted text is shown in **strikeout**.

#### GENERAL FINDINGS

GF8. The Commission finds that the proposed project consists of a 25,000 square foot

addition to the west side of the current emergency center. The overall number of treatment spaces (74) will remain the same, but each treatment space will be located within its own exam room. The Commission finds that the hospital engaged a national consultant, Freeman White, to assess the appropriate square footage for the emergency center based upon the area demographics and demand and the consultant confirmed that the existing number of treatment spaces was the correct number of spaces for the hospital but that the size and the configuration of each treatment space should be increased. The new treatment spaces will be sized in accordance with current standards. The expansion will increase working spaces, including new and enlarged nursing stations and increased and enlarged support spaces. In connection with the proposed expansion, alterations to existing parking circulation and access/egress in the main campus lot, as well as additional parking along Park Street and Lewis Bay Road, are also proposed. Existing buildings located at 8 Park Street, **and at 66 Lewis Bay Road and 2 Park Street** are proposed to be demolished to accommodate the additional parking.

GF10. The Commission finds the project will be constructed in accordance with the following plan set titled *Emergency Center Expansion: Cape Cod Hospital* prepared by Isgenuity, dated July 27, 2012 and as amended by the plan set received by the Commission dated January 4, 2013, by the 1/22/13 Sheet entitled *Civil Addendum #1* from down cape engineering inc. received by Email from Attorney Cox, and by the revised landscape plans received from Attorney Cox on 1/23/13, and as amended by the plan set received by the Commission dated May 17, 2013, by Sheets entitled *Overall Floor Plan, Sheet A2.09* and *Exterior Elevations, Sheet A3.21* from Isgenuity received by Email from Attorney Cox on May 22, 2013 and as amended by the revised landscape plan titled *Cape Cod Hospital Emergency Center Expansion: Site Package – Planting Plan, North*, Sheet A2.06, prepared by Isgenuity, dated May 30, 2013:

#### Architectural

- Sheet A2.04: Existing Site Plan
- Sheet A2.05: Site Plan
- Sheet A2.06: Planting Plan – North, isgenuity, dated 1/22/13, as revised 5/30/13
- Sheet A2.07: Planting Plan – South, isgenuity, dated 1/22/13
- Sheet A2.08: Planting Plan – East, isgenuity, dated 1/22/13
- Sheet A2.08: Level 1 Demolition Plan
- Sheet A2.09: Overall Floor Plan, dated 5/17/13
- Sheet A2.23: Second Floor/Roof Plan, dated 1/4/13
- Sheet A2.14: Third Floor/Roof Plan, dated 1/4/14
- Sheet A3.10: Exterior Elevations, dated 1/4/13
- Sheet A3.11: Exterior Elevations, dated 1/4/13
- Additional revised landscape plans submitted to the Commission on January 22, 2013
- Sheet A3.21: Exterior Elevations, dated 5/17/13

#### Civil

- Sheet C100: Site Overview Existing
- Sheet C101: Site Overview Proposed
- Sheet C102: Existing Conditions Plan South
- Sheet C103: Existing Conditions North
- Sheet C201: Layout Site Plan South
- Sheet C202: Layout Site Plan North
- Sheet C301: Utilities Grading South

- Sheet C302: Utilities Grading North
- Sheet C303: Turning Radius Sketch Plan
- Sheet C400: Civil Detail Sheet
- Sheet C401: Civil Detail Sheet
- Sheet C402: Civil Detail Sheet
- Sheet C403: Civil Detail Sheet
- Civil Addendum #1, dated 1/22/13 from down cape engineering inc.
- **Site plan set consisting of 10 sheets, prepared by down cape engineering for Cape Cod Hospital, dated 10/3/13, entitled "Site Plan of Land in Hyannis, MA, #34 Park Street"**
- **Stormwater Report, including Drainage Calculations and Stormwater O&M Plan, #34 Park Street, Hyannis, MA, dated 10/8/13, prepared by down cape engineering for Cape Cod Hospital**
- **Nitrogen loading calculations, #34 Park Street, prepared by down cape engineering for Cape Cod Hospital, dated 10/3/13**

#### WATER RESOURCES FINDINGS

WRF8. The Commission finds the proposed improvements and added capacity to stormwater infrastructure are consistent with RPP requirements under Water Resources Goal WR7 (Stormwater Quality), including the use of vegetation to treat runoff from the new parking area on ~~three adjacent lots the combined 34 Park Street lot~~ opposite the ~~emergency center on Park Street main Hospital lot~~, and that the use of structured infiltration devices ~~for the project~~ is allowed **as it consists of redevelopment in an Economic Centers for the parking area adjacent to the hospital, and on Lewis Bay Road.**

WRF9. The Commission finds that the project shall be conditioned to require certification of the Stormwater Operations and Maintenance Plan submitted with the DRI application by a Professional Engineer licensed by the State of Massachusetts to ensure MPS under Goal WR7 will be met, including system performance and sizing requirements, and to require a construction sequencing plan to ensure compliance with MPS WR7.9 (Best Management Practices during Construction), prior to issuance of a Preliminary Certificate of Compliance.

WRF10. The Commission finds that the project shall be conditioned to require certification by a professional engineer that the stormwater system is operating as designed one year after construction has been completed to ensure compliance with MPS WR7.10.

#### TRANSPORTATION FINDINGS

TF4. The Commission finds that according to the application materials, a number of modifications to access/egress points are proposed as part of the expansion. There are currently two (2) one-way site drives onto Gleason Street/Park Street from the main campus parking lot. The westerly site drive will become a two-way drive that will serve as the primary point of access/egress to the main campus parking lot. The easterly site drive will operate as an exit-only drive for emergency vehicles exiting the emergency vehicle tunnel. No geometric changes are proposed to these site drives. The access/egress to ~~both~~ the parking lot at ~~16 and 20~~ 34 Park Street will be improved by defining narrower curb-cuts and designating one (1) enter-only and one (1) exit-only site drive ~~from each parking lot.~~ Additionally, incorporating ~~the existing Lewis Bay Road lot and the~~

~~66~~ Lewis Bay Road property **ies** into the main campus parking lot, two (2) curb cuts will be eliminated on Lewis Bay Road, **and consolidating the 2, 8, 16, 20 and 34 Park Street lots across from the main campus into a single lot, three curbcuts along the north side of Park Street will be eliminated.** As such, the Commission finds that the project complies with MPS TR1.1 and MPS TR1.4. The Commission further finds that sufficient sight distance exists at all access/egress location in compliance with MPS TR1.8. As no mitigation is being proposed to address or offset safety concerns, the Commission finds that the proposed project complies with MPS TR1.9.

TF7. The Commission finds that the project proposes to reduce the curb-cuts on Lewis Bay Road and ~~the 16 and 20~~ Park Street **parking lot**, and as such, the proposed project meets BDP TR1.11. The Commission further finds that this is a probable benefit of the proposed project.

TF9. The Commission finds that vehicular and pedestrian interconnections are currently provided to the greatest extent feasible on the project site. According to the application materials, parking supply and demand has been studied as recently as February 2012 by the Applicant's transportation engineer and the Commission finds that the number of parking spaces included in the site layout, twenty (20) more than currently exists, is justified. As such, the Commission finds that the proposed project complies with MPS TR2.3 and MPS TR2.9. **Additionally, 47 spaces are proposed at the combined 34 Park Street lot, including 2 van accessible spaces.**

#### AFFORDABLE HOUSING FINDINGS

AHF1. The Commission finds that the proposed expansion is a non-residential redevelopment project that also involves the demolition of **a** houses at **2 & 8 Park Street, and 66 Lewis Bay Road**. As the **structure is used for CCH and project is not for residential purposes**, the Commission finds that MPS AH1.14 does not apply to the proposed project.

#### HERITAGE PRESERVATION/COMMUNITY CHARACTER FINDINGS

HPCCF1. The Commission finds the proposed project involves demolition of **a**-structures at **2 and 8 Park Street and 66 Lewis Bay Road** over 75-years old to construct **additional site and a small**-off-site parking **lot at 8 Park Street**. Though there is no historic inventory form for **this these** buildings in the town of Barnstable, the age of the buildings triggers review by the Barnstable Historical Commission (BHC) under the Town's Demolition Delay bylaw. Though the buildings **has a have** forms similar to many historic residential structures in the area, the Barnstable Preservation Plan Update 2010 does not identify the property for additional survey and documentation, and the Plan does not identify the area for potential expansion of the nearby Hyannis Main Street/Waterfront Historic District. Further, in written correspondence **dated August 15, 2012**, the Massachusetts Historical Commission reviewed the **proposal proposed demolition** and found the proposed project **and proposed demolition is** unlikely to affect significant historic or archaeological resources. As such, the Commission finds the proposed project complies with MPS HPCC1.1

HPCCF9. The Commission finds the Applicant submitted landscape plans (Sheets A2.06, ~~and~~ A2.07, **and A2.08** dated July 27, 2012, revised ~~August 28, 2012~~, **January 22, 2013 and May 30, 2013**, prepared by Isgenuity, LLC, and ~~as amended by Sheet A2.06, prepared by Isgenuity, dated May 30, 2013~~) **Sheet 3 of down cape engineering's October 3,**

**2013 site plan set for the combined 34 Park Street property)** that properly integrate buildings with the landscaped environment, divide expansive parking areas, incorporate tree plantings, include pedestrian amenities to improve the visual and functional character of the site, and foster sustainability by including a mix of native and drought tolerant plantings alongside traditional ornamentals. The Commission finds these plans are in compliance with MPS HPCC2.10 and that the project Applicant has submitted final landscape plans with planting details that indicate a scale, specify greenscreen installation and planting in more detail, and propose a compact cultivar of parking lot shrubs. The Commission finds the draft landscape maintenance agreement submitted by the Applicant meets the intent of MPS HPCC2.10. The Commission finds the project shall be conditioned to require the Applicant to submit an executed landscape maintenance agreement prior to issuance of a Final Certificate of Compliance.

GENERAL CONDITIONS

GC6. All development shall be constructed in a manner consistent with the following plan set *Emergency Center Expansion: Cape Cod Hospital* prepared by Isgenuity, dated July 27, 2012 and as amended by the plan set received by the Commission dated January 4, 2013, by the 1/22/13 Sheet entitled *Civil Addendum #1* from down cape engineering inc. received by Email from Attorney Cox, and by the revised landscape plans received from Attorney Cox on 1/23/13 and as amended by the plan set received by the Commission dated May 17, 2013, by Sheets entitled *Overall Floor Plan, Sheet A2.09* and *Exterior Elevations, Sheet A3.21* from Isgenuity received by Email from Attorney Cox on May 22, 2013 and as amended by the revised landscape plan titled *Cape Cod Hospital Emergency Center Expansion: Site Package – Planting Plan, North*, Sheet A2.06, prepared by Isgenuity, dated May 30, 2013:

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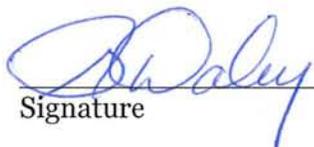
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#### WATER RESOURCES CONDITIONS

WRC1. The Stormwater Operations and Maintenance Plans **submitted with the DR! application** shall be certified by a Professional Engineer licensed by the State of Massachusetts to ensure MPS under Goal WR7 will be met, including system performance and sizing requirements, and to require a construction sequencing plan to ensure compliance with MPS WR7.9, prior to issuance of a Preliminary Certificate of Compliance.

**SIGNATURES**

Executed this 6th day of November 2013.

  
Signature

Patty Daley, Deputy Director  
Print Name and Title

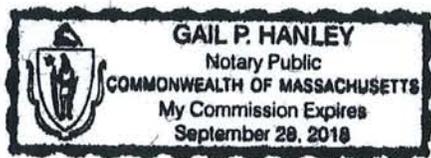
**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss**

November 6, 2013

Before me, the undersigned notary public, personally appeared Patty Daley,

in his/her capacity as Deputy Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Gail P. Hanley  
Notary Public  
My Commission Expires: 9-28-18