

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



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

MINOR MODIFICATION TYPE #1

Date: May 29, 2013

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

Applicant: Cape Cod Hospital

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

Project #: HDEX# 12031

Town Map/Parcel: 342/1; 342/8; 342/39; 342/7; 342/6; 327/217
Registry Plan Book/Page: 604/62
Registry Deed Book/Page: 12588/295; 21898/133; 20017/335; 11906/163
Cert. 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 2011/New Fee Schedule Effective 7/1/12), the Development of Regional Impact (DRI) Hardship Exemption Project of Community Benefit (HDEX/POCB) decision for Cape Cod Hospital's (the 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 a Minor Modification Type #1 decision dated January 25, 2013, is hereby amended to allow changes to the site plans, and exterior façade/canopy to the emergency personnel entrance tunnel accessed from Park Street.

PROPOSED MODIFICATIONS

On May 22, 2013, the Commission received an Email from Attorney Eliza Cox, of Nutter, McClennen & Fish, on behalf of Cape Cod Hospital, the Applicant, requesting two modifications to the proposed 25,000 square foot emergency center addition. According to Attorney Cox's Email, the proposed project changes consist of *A*) moving the door that was planned at the top of the new entrance tunnel for EMS staff from the bottom of the stairwell to the top of the stairwell, and *B*) enclosing openings in the canopy/façade which extends over the stairwell access to the ambulance tunnel with acrylic glazing for weather protection.

MODIFICATION TYPES

Section 13(c) of the Commission's *Enabling Regulations*, as amended May 2011, 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 changes constitute *de minimus* changes, and are approved as Minor Modifications Type #1. Specifically, Emails provided by the Applicant support the conclusion that the proposed changes are occasioned by safety requests of the Hyannis Fire Department, authorized by the Barnstable Site Plan Review Committee.

CHANGES TO FINDINGS AND CONDITIONS

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

GENERAL FINDINGS

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:**

Architectural

- Sheet A2.04: Existing Site Plan
- Sheet A2.05: Site Plan
- Sheet A2.06: Planting Plan – North, isgenuity, dated 1/22/13
- 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 ~~1/4/13~~ **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**

Finding Continued On Next Page

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.

GF15. The modifications requested to the original DRI/HDEX/POCB decision, as amended, which are to move the door that was planned to be at the bottom of the stairwell of the entrance tunnel for EMS staff to the top of the stairwell, and to enclose openings in the canopy/façade which extends over the stairwell with acrylic glazing for weather protection, are occasioned by requests from Hyannis Fire Department.

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:**

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Condition Continued On Next Page

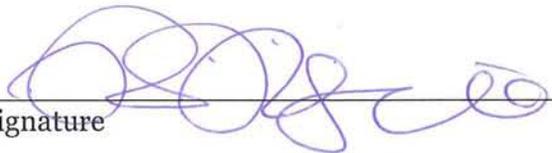
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SEE SIGNATURES ON NEXT PAGE

SIGNATURES

Executed this 29 day of May 2013.

Signature 

Paul Niedzwiecki Executive Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss May 29, 2013

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki,
in his/her capacity as Executive 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

