

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: September 10, 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 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 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 and May 29, 2013, is hereby amended to allow changes to the site and landscape plans along a portion of Park Street/Gleason Street.

PROPOSED MODIFICATIONS

On September 4, 2013, the Commission received information from Attorney Eliza Cox, of Nutter, McClennen & Fish, on behalf of Cape Cod Hospital, the Applicant, requesting a modification to a portion of the proposed landscaping adjacent to the entrance to emergency center addition, along part of Gleason Street/Park Street. According to Attorney Cox, the Town of Barnstable has asked the Applicant to re-route a needed water line, necessitating the need to remove some plantings that were to be retained along a portion of Gleason Street/Park Street, adjacent to the new entrance.

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 change to a portion of the landscaped area along Gleason Street/Park Street constitutes a *de minimus* change, and is approved as Minor Modification Type #1. Specifically, the requirement to re-route the proposed water line into/through the landscaped area is a revision that is *the result of more restrictive conditions imposed by a local board*.

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

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.

GF16. The modification requested to the original DRI/HDEX/POCB decision, as amended, which is to remove some existing trees along Gleason Street/Park Street to accommodate a water line, and replace with different landscape plantings, is occasioned by requests from the controlling Water Department.

HERITAGE PRESERVATION/COMMUNITY CHARACTER FINDINGS

HPCCF5. The Commission finds that the overall building footprint of the proposed project exceeds 50,000 square feet, but the proposed addition reads as a distinct massing and effectively helps to screen the large parking area adjacent to the hospital building. The Commission further finds the ~~maintenance of existing vegetation along~~ **removal of some existing trees along a portion of Park Street and their replacement with new landscaping** and the presence of other small structures that act as frontage buildings to shield the addition from other streets, along with the varied form of the proposed addition make the proposed project consistent with MPS HPCC2.5.

HPCCF9. The Commission finds the Applicant submitted landscape plans (Sheets A2.06 and A2.07, dated July 27, 2012, revised August 28, 2012, prepared by Isgenuity, LLC ~~and by additional revised plans submitted January 22, 2013~~ **and as amended by Sheet A2.06, prepared by Isgenuity, dated May 30, 2013**) 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.

HPCCF10. The Commission finds the project proposes preservation of **some** specimen trees in the parking area **and along a portion of Gleason Street/Park Street** adjacent to the proposed expansion. As such, the Commission finds the proposed project meets BDP HPCC2.16, and that this is a probable benefit of the proposed project.

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:**

Architectural

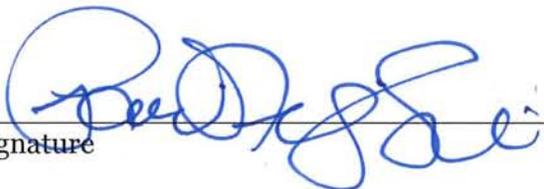
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SIGNATURES

Executed this 11 day of 9 2013.

Signature 

Paul Niedzwiecki
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Sept 11, 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

