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CAPE COD  
COMMISSION

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**MINOR MODIFICATION TYPE #1**

DATE: JANUARY 27, 2016

TO: ATTY. ANDREW SINGER, LAW OFFICE OF SINGER & SINGER  
PO BOX 67, DENNISPORT, MA 02639

PROJECT OWNERS/ WEST YARMOUTH PROPERTY I LLC  
APPLICANTS:<sup>1</sup> WEST YARMOUTH PROPERTY II LLC

PROJECT NUMBER: TR12035

PROJECT: MAPLEWOOD AT MAYFLOWER PLACE  
FKA MAYFLOWER PLACE EXPANSION

PROJECT SITE/LOCATION: 579 BUCK ISLAND ROAD/164 ROUTE 28, YARMOUTH, MA

TITLE INFORMATION: DEED BOOK 28272 PAGE 304  
DEED BOOK 28273 PAGE 34  
PLAN BOOK 652 35

ASSESSORS PARCEL ID: 37-81 37-82.1 37-84 45-78  
37-82 37-83 37-85

**SUMMARY**

Pursuant to Section 13 of the Cape Cod Commission (Commission) Enabling Regulations (Revised November 2014, with Revised Fee Schedule Effective July 1, 2015), the Development of Regional Impact (DRI) decision dated March 28, 2013 for the above-referenced project is hereby amended as a Minor Modification Type #1 to allow *de minimus* changes to the approved project plans as discussed herein.

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<sup>1</sup>The Owners are successors in interest to original permittees Turino Associates LLC and Yarmouth Mayflower Place II, Inc.

All findings and conditions attached to the original decision and subsequent modifications continue to apply except as modified herein.

## **DISCUSSION**

The Commission issued a DRI decision, with conditions, March 28, 2013 to Yarmouth Mayflower Place II, Inc. and Turino Associates LLC, which approved the construction of a 50-unit Assisted Living facility and a 75-unit Memory Care facility. The 2013 DRI decision has been modified two times by decisions dated: July 10, 2013 and October 28, 2013 (collectively, "Decision").

The Commission received a request from Attorney Andrew Singer on behalf of the Owners seeking to allow the issuance of phased Certificates of Compliance for the Project's two separate buildings (Memory Care building and Assisted Living building); to allow the required Affordable Housing Restriction approved as final to be executed and recorded prior to issuance of a Final Certificate of Compliance rather than prior to a Preliminary Certificate of Compliance; to allow for building energy efficiency (MPS E1.4) compliance to be met through a method alternate than set out in the Decision, consistent with the RPP; for modified plan sets for the Memory Care building and surrounding site area associated with the Memory Care building; and accordingly, to modify the Decision.

Changes to the Memory Care building and surrounding site area are minor in nature and are consistent with the relevant provisions in the RPP. Building revisions include greater façade articulation and more varied roof forms.

Phased and separate issuance of Certificates of Compliance allows the Project to be developed, and reviewed by the town and Commission, with greater efficiency.

## **CHANGES TO THE DRI DECISION**

Except as modified herein, all findings and conditions of the Decision shall continue to apply to the Project. The Decision is hereby modified as follows:

- A. The Decision allows for the issuance of phased and separate Certificates of Compliance for the Project's two separate buildings (Memory Care building and Assisted Living building).
- B. Pursuant to Conditions AHC1 and AHC8 of the Decision: the Applicant shall provide a draft Affordable Housing Restriction, Affirmative Fair Housing Marketing Plan, and Tenant Selection Plan prior to issuance of the first Preliminary Certificate of Compliance; the Applicant shall execute and record the final Affordable Housing Restriction, as approved by Commission staff, prior to issuance of the first Final Certificate of Compliance for the Project; the Applicant shall provide a final Affirmative Fair Housing Marketing Plan and Tenant Selection Plan, as approved by Commission staff, prior to issuance of the first Final Certificate of Compliance.
- C. The Project shall comply with MPS E1.4 through the means outlined in correspondence from New Ecology, Inc., dated 9/23/2015, and hereby incorporated by reference into the Decision.

- D. The Memory Care building and surrounding site area shall be built and developed in accordance with the following plan sheets, which are hereby incorporated by reference into the Decision. Such plans shall substitute or supplement for plan sheets approved in the Decision as the context requires. The Applicant shall provide revised associated plans for the Assisted Living building for Commission review and approval at such time the Applicant seeks a Preliminary Certificate of Compliance for that portion of the Project.

“Site Development Plans for Maplewood at Mayflower Place, 579 Buck Island Road / 164 Route 28, Yarmouth, MA”, prepared by Kelly Engineering Group, Inc., dated 7/17/2015

Sheet 1: *Maplewood at Mayflower Place, West Yarmouth, MA*  
Sheet 2: *Overall Layout Plan*  
Sheet 7: *Existing Conditions Plan*  
Sheet 8: *Layout & Zoning Plan*  
Sheet 9: *Grading & Drainage Plan*  
Sheet 10: *Drainage & Utility Plan*  
Sheet 11: *Detail Sheet*  
Sheet 12: *Detail Sheet*

“Maplewood – Mayflower Place, Memory Care, 164 Route 28, West Yarmouth, MA”, prepared by Stein Troost Architecture LLC, dated 7/27/2015

Title Sheet  
Sheet MC-1.0: *First Floor Plan*  
Sheet MC-2.0: *Second Floor Plan*  
Sheet MC-3.0: *Roof Plan*  
Sheet MC-4.0: *Elevations*  
Sheet MC-4.1: *Elevations*

“Maplewood at Mayflower Place, 579 Buck Island Road, 164 Route 28, West Yarmouth, Massachusetts, Site Landscape Plans”, prepared by Hawk Design, Inc., dated 7/16/2015

*Title Sheet*  
Sheet L1: *Site Reference Plan*  
Sheet L3: *Memory Care Planting Plan*  
Sheet L5: *Memory Care Site Lighting Plan*  
Sheet L6: *Lighting Specifications*  
Sheet D1: *Planting Details*  
Sheet D2: *Planting Notes*

*SEE NEXT PAGE FOR SIGNATURES*

**SIGNATURES**

Executed this 27th day of January 2016.

*[Signature]*  
Signature

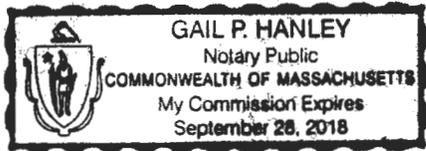
Patty Daley, Deputy Director  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss January 27, 2016

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.



SEAL

Gail P. Hanley  
Notary Public:

My Commission Expires: 9-28-18