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CAPE COD
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Minutes
Northbridge Mashpee Assisted Living Facility DRI Hearing
5:30PM, March 9, 2016
Mashpee Senior Citizens Center
26 Frank E. Hicks Drive, Mashpee, MA

Subcommittee Members Present: Richard Roy (Chair), Richard Conron, Mary Pat Flynn, Harold Mitchell, and Ernest Virgilio (Recused)

Commission Staff Present: Jonathon Idman (Chief Regulatory Officer), Scott Michaud (Hydrologist), Jeffrey Ribeiro (Regulatory Officer), Chloe Schaefer (Community Design Planner), and Steven Tupper (Technical Services Planner)

Others Present: Russell Burke (BSC Group), Al Crepeau (EGA Architects), Tom Ferrante (Mashpee Commons LP), Thomas Fudala (Town Planner, Town of Mashpee), Anna Gordon (EGA Architects), Ray Mitrano (The Northbridge Companies), Sam Offei-Addo (BSC Group), Stephen Ordway (The Northbridge Companies), David Weeden (Deputy Historic Preservation Officer, Mashpee Wampanoag Tribe), and Brian Yergatian (BSC Group).

Minutes Summary

The Cape Cod Commission (Commission) Northbridge Assisted Living Facility Subcommittee (Subcommittee) held a hearing to review a proposal by The Northbridge Companies (Applicant) to construct a 70-unit assisted living and memory care facility (Project) as a Development of Regional Impact (DRI). The Subcommittee heard a presentation on the Project, a presentation on the Commission's DRI Staff Report, and comment from local officials and the public at large. The Subcommittee voted to instruct Commission staff to prepare a draft DRI decision consistent with the DRI Staff Report and the Subcommittee's discussion of the Project for its further review at a public meeting to be held on Wednesday, March 23, 2016 at 5:30PM at Commission offices located at 3225 Main Street, Barnstable, MA. The Subcommittee continued the public hearing to the meeting of the full Commission scheduled for Thursday, March 31, 2016 at 3:00PM at the Assembly of Delegates Chamber in the First District Courthouse located at 3195 Main Street, Barnstable, MA.

Documents Used/Received

1. DRI Staff Report, dated 3/9/2016

Hearing Opened

Ernest Virgilio, as Chair, called the meeting to order at 5:32PM. Mr. Virgilio asked the Subcommittee members to introduce themselves, and they did so. Mr. Virgilio asked Mary Pat Flynn to read the hearing notice, and she did so. Mr. Virgilio then asked the Applicant to present the Project.

Russell Burke of BSC Group introduced the Project team members present, and the team presented with the assistance of a PowerPoint presentation that is attached hereto. He provided an overview of the Project Site, proposed open space mitigation, and changes to the building footprint since the initial DRI application was filed. Brian Yergatian of BSC Group provided an explanation of the site engineering, including parking and stormwater provisions. Sam Offei-Addo of BSC Group provided an overview of the transportation analysis done for the project, including proposed components of a Transportation Demand Management (TDM) plan. Anna Gordon of EGA Architects provided an overview of the initiatives taken to make the Project LEED-certifiable. Al Crepeau of EGA Architects provided an overview of the building design. Mr. Burke then closed the Applicant's presentation.

Mr. Virgilio then asked Jeffrey Ribeiro, Commission Regulatory Officer, to present the DRI Staff Report. Mr. Ribeiro introduced himself and then provided an overview of the Commission's DRI review with the assistance of a PowerPoint presentation that is attached hereto. Mr. Ribeiro said that the Project could be conditioned to comply with the Regional Policy Plan (RPP) and that Commission staff had suggested potential benefits and detriments of the Project in the staff report for review by the Subcommittee. He closed the presentation by suggesting the Subcommittee take public comment, discuss the terms of the DRI staff report, and instruct Commission staff on how to move forward. He also invited any questions from the Subcommittee.

Ms. Flynn asked what level of treatment could be expected from the Mashpee Commons Wastewater Treatment Facility (WWTF), to which the Project is proposing to connect. Scott Michaud, Commission Hydrologist, replied that the recent performance was in the range of 4ppm-N in the effluent. Mr. Burke added that recent performance showed better performance at an average of 3.9ppm-N. Ms. Flynn asked how much capacity remained at the WWTF. Tom Ferrante of Mashpee Commons LP replied that the groundwater discharge permit for the WWTF is for 180,000 gallons per day (GPD), Mashpee Commons is currently using 70,000GPD and the Project would use about 8,000GPD.

Ms. Flynn asked what configuration the parking would be in. Mr. Burke replied that all parking would be 90-degree, perpendicular parking. Ms. Flynn asked if any noise would be expected from operations of the facility. Mr. Burke replied that there would be no considerable noise from the facility. Ms. Flynn asked how far the Windchime Condominiums were from the Project. Mr. Burke replied that he estimates the distance at about 300 feet.

Richard Conron asked if the stormwater systems proposed would operate in winter. Mr. Yergatian said that the systems would operate once snow was removed from their conveyance points. Mr. Conron asked if the 64 parking spaces proposed would be sufficient for employees.

Ray Mitrano of The Northbridge Companies said that peak staffing would be roughly 22-24 employees and very few residents maintain cars. Mr. Conron asked how long the proposed buffer plantings would take to mature. Mr. Burke said that town had requested more evergreens be planted instead of the taller, deciduous trees previously proposed. Mr. Mitrano said that a 75 foot vegetated buffer between the Project and the utility easement to the south of the Project Site would also remain.

Richard Roy asked for more information on the proposed gravel drive at the south end of the Project Site. Mr. Burke replied that Mashpee Commons wanted to maintain separate access to the WWTF, by way of the existing easement. He said the gravel drive would be gated and only for use by Mashpee Commons employees and emergency responders should they need alternate site access.

Ms. Flynn asked why this site had been selected by the Applicant. Mr. Burke replied that the Project fits into future plans to develop Mashpee Commons, is the start of a pedestrian corridor in the area, and the provided market study identified a need in the Upper Cape region for such a use.

Public Comment

Mr. Virgilio then asked for public comment.

Thomas Fudala, Town of Mashpee Town Planner, said that the Project had been under advisory review by the relevant town committees and the town engineer. He said that the proposed use is only allowed in a commercially-zoned district, which is the zoning for this parcel. He said that the Project Site has been identified as a growth center by town planning activities.

Joe Mooney said that he is a resident of the abutting Windchime Condominium. He said traffic in the area should be slowed.

Eleanor Glener said that she is also a resident of Windchime. She said it is difficult to drive in the area in the summertime because of heavy traffic.

David Weeden, Deputy Historic Preservation Officer for the Mashpee Wampanoag Tribe, said that the area has been mapped as being likely to contain archaeological resources by the Public Archaeological Laboratory. He said the Project Site is located near the Mashpee River, which was a historic place of habitation. He requested archaeological testing of the site be performed, and he requested a representative of the Tribe be on-site for such activities.

Mr. Virgilio then called a 5 minute recess. Mr. Roy reconvened the meeting. Mr. Virgilio stated that he is an employee of the Mashpee Wampanoag Tribe and would be recusing himself from the Subcommittee and further Commission review effective immediately. Mr. Virgilio left the hearing and Mr. Roy took over as Chair. Mr. Roy asked for additional comment from the public.

Paul Apfel asked by the proposed location was chosen for the Project. Jonathon Idman, Chief Regulatory Officer, replied that the Commission was reviewing the Project as proposed. Mr.

Apfel said the Project should be located closer to public transit. He said there are traffic issues at the intersection of Great Neck Road South and Donna's Lane.

Judy Quinn said she also is a resident of Windchime. She asked if the capacity at the WWTF should be saved for future development. She also asked if the monetary offset for nitrogen loading would be a one-time payment. Mr. Michaud replied that the RPP states the requirements for development in nitrogen-overloaded estuaries. He said the payment could be used to further wastewater planning efforts in the town. Ms. Quinn asked about the location of the proposed sidewalk. Harold Mitchell said it is located directly in front of the Project. Mr. Burke showed Ms. Quinn the location on the site plan. Ms. Quinn said she supports the Tribe's request for an archaeological survey.

Mr. Roy asked if the Massachusetts Historical Commission (MHC) had provided comments on the potential for archaeological resources in the area. Mr. Idman replied that the Applicant submitted a Project Notification Form, which Commission staff confirmed by calling MHC. Mr. Ribeiro then offered to read the relevant RPP Minimum Performance Standard (HPCC1.3) and did so. Ms. Flynn said that Native Americans have walked on Cape Cod for thousands of years.

Ms. Flynn asked if residents of the facility would have cars. Mr. Burke replied that some Assisted Living residents are likely to come to the facility with a car, but the Applicant has found at other facilities that most of those residents will give up the car within one year of moving into the facility. He said the Project will provide van service for residents. Mr. Idman noted that the transportation review for the Project accounted for this specific use, and most trip generation would not be from residents.

Mr. Mitchell said that he was concerned about the amount of traffic on Great Neck Road South, specifically with the safety of the pedestrian crossing at Donna's Lane. He said the Applicant should consider utilizing the roof for photovoltaic solar energy generation. He said he is concerned about the archaeological issues discussed at the meeting and would like more information from Commission staff.

Mr. Idman noted that Steven Tupper, Commission Technical Services Planner, was present if the Subcommittee had questions about transportation concerns. Ms. Flynn asked Mr. Fudala if the town has plans to improve the area near the Project Site. Mr. Fudala replied that the town does not currently have plans for that area. Mr. Tupper said that Commission review had looked at having a pedestrian connection to the existing crosswalk. He said the Applicant and the town could discuss the construction specifics of potential improvements. He said Commission review looks at the impacts of the Project and not necessarily at other issues in the area. He said the Project will be a low traffic generator, and thus the focus area of the transportation review is small. He said the Project will also be required to pay "fair share" mitigation, which the town could use for improvements in the area.

Votes, Discussion, and Continuance

Mr. Roy asked Commission staff for guidance on how to proceed. Mr. Idman said that the Subcommittee should decide if another public hearing is needed, or the Subcommittee could

instruct staff to prepare a draft decision for its review at a public meeting. He noted that the public hearing period must close by April 13, 2016.

Mr. Roy said that he did not feel another hearing was needed. Mr. Conron concurred. Mr. Mitchell asked how the archaeological issues would be addressed. Mr. Idman said that Commission staff would reach out to the Tribe and the Applicant to determine how best to proceed. He said Commission staff would determine if the issue would be addressed through a local special permit. He said the Subcommittee should direct staff as to how to proceed.

Mr. Conron said he thought the local special permit process could address the archaeological issue. He said the traffic concerns may also be best dealt with at the local level. Mr. Idman agreed and noted that the Subcommittee should consider the impacts of the Project and not other problems in the area.

Mr. Roy asked for a motion to direct staff to draft a draft DRI decision consistent with the DRI Staff Report, discussion by the Subcommittee and other facts gathered at the hearing. Ms. Flynn moved and Mr. Conron seconded. All were in favor.

The Subcommittee decided to have a public meeting to review the draft DRI decision on Wednesday, March 23, 2016 at 5:30PM.

Mr. Roy then asked for a motion to continue the public hearing to the regularly scheduled meeting of the full Commission at 3:00PM on March 31, 2016 at the Assembly of Delegates Chamber at the First District Courthouse located at 3195 Main Street, Barnstable, MA. Ms. Flynn moved and Mr. Conron seconded. All were in favor. Mr. Roy adjourned the hearing at 7:28PM.

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Respectfully submitted,



Richard Roy, Chair, Northbridge Mashpee Assisted Living Facility Subcommittee

Mar 23, 2016

Date