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## DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE: MARCH \_\_, 2016

TO: RUSSELL BURKE, BSC GROUP, 33 WALDO STREET, WORCESTER, MA 01608

PROJECT APPLICANTS/ THE NORTHBRIDGE COMPANIES  
71 THIRD AVENUE, BURLINGTON, MA 01803

PROPERTY OWNER: GNRS-MA LLC  
46 ABORN STREET, 4<sup>TH</sup> FLOOR, PROVIDENCE, RI 02903

PROJECT NUMBER: TR15023

PROJECT: NORTHBRIDGE MASHPEE ASSISTED LIVING FACILITY

PROJECT SITE: 68 GREAT NECK ROAD SOUTH, MASHPEE, MA

TITLE REFERENCE: DEED BOOK 27029 PAGE 15  
PLAN BOOK 647 PAGE 94

ASSESSOR'S MAP/PARCEL: 74-27-0

### SUMMARY

The Cape Cod Commission (Commission) hereby approves, with conditions, the application by The Northbridge Companies (Applicant) as a Development of Regional Impact (DRI) pursuant to sections 12 and 13 of the *Act Establishing the Cape Cod Commission*, c. 716 of the Acts of 1989, as amended, (Act) and Sections 3 and 7 of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact*, as amended (*Enabling Regulations*), for construction of the proposed 70-unit assisted living and memory care facility located at 68 Great Neck Road South in Mashpee, MA (Project). This decision is rendered pursuant to a vote of the Commission on March \_\_, 2016.

## **PROJECT DESCRIPTION**

The Project proposes the construction of a 70-unit assisted living and memory care facility in a two-story, 65,583-square-foot building. The Project Site is a 3.65-acre wooded parcel located at 68 Great Neck Road South in Mashpee, MA. The footprint of the proposed building is 33,784 square feet with additional impervious lot coverage of 41,589 square feet for associated site drives, walkways, and courtyards.

The Project proposes a unit mix as follows. For the assisted living portion of the Project, 44 apartments will be studio or one-bedroom units and 8 apartments will be two-bedroom units. For the memory care portion of the Project, 14 apartments will be studio or one-bedroom single units and 4 apartments will be double occupancy shared units. Accordingly, the assisted living portion will provide for 60 beds and the memory care portion will provide for 22 beds.

The Project Applicant, the Northbridge Companies, has entered into a Purchase and Sale Agreement with owner Mashpee Commons to purchase the Project Site, subject to permitting and other contingencies.

## **JURISDICTION**

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(g) of the Commission's Enabling Regulations (revised November 2014) as "Any proposed development, including the expansion of existing developments, that is planned to create or add 30 or more Residential Dwelling Units."

The Project is being reviewed in light of the 2009 Regional Policy Plan (RPP), as amended August 2012, which is the RPP in effect at the time of the first public hearing on the application.

Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include consistency with the Act, the RPP, District of Critical Planning Concern (DCPC) implementing regulations (as applicable), municipal development by-laws, and the Local Comprehensive Plan. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

## **PROCEDURAL HISTORY**

The Applicant submitted a DRI application on November 16, 2015. The DRI referral by the Town of Mashpee Planning Board was received on November 23, 2015. Additional application materials were received in December and January 2015. The hearing period for the Project was opened procedurally by hearing officer on January 15, 2016. The Project was declared complete sufficient to proceed to a substantive hearing on February 11, 2016.

The first substantive hearing on the Project was opened and testimony taken by a Subcommittee of the full Commission on March 9, 2016 at 5:30pm at the Mashpee Senior Citizens Center located at 26 Frank E. Hicks Drive in Mashpee, MA. The Subcommittee consisted of Ernest Virgilio (Chair), Richard Conron, Mary Pat Flynn, Harold Mitchell, Leonard Short, and Richard

Roy (Alternate). Leonard Short was not present at this hearing, and Richard Roy participated as a regular member. The Subcommittee received testimony, including comment from a representative of the Mashpee Wampanoag Tribe, on the Project at the hearing. Ernest Virgilio recused himself from the Subcommittee because of comment from the Tribe, and Richard Roy took over as Chair. At this hearing, the Subcommittee voted to instruct staff to prepare a draft DRI decision consistent with the Commission's Staff Report and the Subcommittee's discussion at the hearing, and to continue the hearing to the next meeting of the full Commission at 3:00PM, March 31, 2016 at the Assembly of Delegates Chamber, First District Courthouse, 3195 Main Street, Barnstable, MA. The Subcommittee also scheduled a public meeting to review the draft DRI decision at 5:30PM, March 23, 2016 at Commission Offices, 3225 Main Street, Barnstable, MA.

At its public meeting on March 23, 2016, the Subcommittee voted to recommend the Project to the Commission for approval, subject to conditions in the draft DRI decision, and to recommend the draft written DRI decision to the full Commission for adoption, subject to minor revisions discussed at the meeting.

## **FINDINGS**

The Commission hereby finds as follows:

### GENERAL FINDINGS

GF1. A referral from the Town of Mashpee Planning Board was received on November 23, 2015, referring the Project to the Commission as a mandatory DRI.

GF2. The Applicant submitted a DRI application on November 16, 2015; the DRI application was deemed complete on February 11, 2016.

GF3. As the date of the first public hearing on the Project was March 9, 2016, the Project was reviewed subject to the 2009 RPP, as amended August 2012.

GF4. The proposed development ("Project") consists of the construction of a 70-unit assisted living and memory care facility in a two-story, 64,826-square-foot building. The Project Site, shown as Lot 3A on the *Existing Conditions Plan* referenced herein under Finding GF5, is a 3.65-acre wooded parcel located at 68 Great Neck Road South in Mashpee, MA. The footprint of the proposed building is 33,784 square feet with additional impervious lot coverage of 41,589 square feet for associated site drives, walkways, and courtyards.

GF5. The Project is proposed in accordance with the following plan sets and other information and documents referenced below:

Plan set titled "Northbridge Mashpee Commons," prepared by BSC Group, dated 9/7/2015, revised 3/9/2016:

Sheet G-100: *Title Sheet*

Sheet V-100: *Existing Conditions Plan*  
Sheet C-100: *Layout & Materials Plan*  
Sheet C-101: *Grading & Drainage Plan*  
Sheet C-102: *Utility Plan*  
Sheet C-103: *Erosion & Sedimentation Control Plan*  
Sheets C-200-203: *Construction Details*  
Sheet L-100: *Landscape Plan*  
Sheet L-101: *Landscape Details*

Plan set titled “Northbridge at Mashpee,” prepared by EGA, P.C.:

*Cover Sheet*, dated 3/9/2016  
Sheet A-1.1: *First Floor Plan*, dated 3/9/2016  
Sheet A-1.2: *Second Floor Plan*, dated 3/9/2016  
Sheet A-1.R: *Roof Plan*, dated 3/9/2016  
Sheet A-3.1: *Exterior Elevations*, dated 3/9/2016  
Sheet A-3.2: *Exterior Elevations*, dated 3/9/2016  
Sheet A-3.3: *Exterior Elevations*, dated 3/9/2016  
Sheet A-3.4: *Enlarged Elevations*, dated 3/9/2016  
Sheet A-4.1: *Building Sections*, dated 3/9/2016  
Sheet L-1: *Site Plan – Lighting*, dated 9/14/2015  
Sheet L-2: *Site Plan – Iso Footcandle Display & Point-by-Point Display*, dated 9/14/2015

*Landscape Maintenance Contract, Northbridge at Mashpee Commons*, draft, 7/1/2015

*Energy Star State of Energy Design Intent (SEDI), Mashpee Commons Assisted Living and Memory Care*, prepared by EGA, P.C., dated 8/7/2015

*Building Envelope Compliance Documentation, Northbridge at Mashpee Assisted Living and Memory Care*, prepared by EGA, P.C., undated

*Energy Star Qualified Homes Builder Option Package Notes, Northbridge at Mashpee Assisted Living and Memory Care*, prepared by EGA, P.C., dated 8/11/2015

*Traffic Impact Study, Northbridge Facility – Mashpee Commons*, prepared by BSC Group, dated June 2015

*Memorandum, Northbridge at Mashpee Commons – DRI Supplemental Transportation Information*, prepared by BSC Group, dated 11/9/2015

*LEED 2009 Checklist for New Construction and Major Renovations, Northbridge at Mashpee Assisted Living & Memory Care*, prepared by EGA, P.C., dated 8/17/2015

*Nitrogen Loading Calculations*, prepared by BSC Group, dated 8/12/2015

*Stormwater Report, Northbridge Mashpee Commons*, prepared by BSC Group, dated 9/10/2015

*Natural Resources Inventory, Assessor’s Map 74 Parcel 27, Great Neck Road South, Mashpee, Massachusetts*, prepared by Horsley Witten Group, Inc., dated August 2015

GF6. The Property Owner has provided written evidence that the Applicant has entered into a Purchase and Sale Agreement for the Project Site.

GF7. Based on review by Commission staff and correspondence with Town of Mashpee Town Planner Thomas Fudala dated 2/11/2016, the Project is consistent with local zoning and other applicable local development by-laws as well as Mashpee's 1998 Local Comprehensive Plan (LCP). Consistency with local by-laws will be evidenced by the Applicant obtaining all necessary permits on the local level, including a Town of Mashpee Planning Board Special (Use) Permit for an Assisted Living Facility. As part of this review, the Applicant is seeking waivers of certain vegetated setback requirements as allowed under recent amendments to the town zoning by-law. The Applicant will also have to obtain a Building Permit and Certificate of Use/Occupancy from the Town of Mashpee Building Department. The Project is consistent with the LCP because it is located in a mapped Growth/Activity Center and the plan seeks to "encourage the development of healthcare and related facilities."

GF8. The only applicable District of Critical Planning Concern (DCPC) to the Project is the Cape-wide Fertilizer Management DCPC. The Commission-approved implementing regulations for the Town of Mashpee only recommend a total yearly application of 1.0 pounds of nitrogen per 1000 square feet of turf. The Project has submitted a draft Turf Management and Integrated Pest Management Plan which specifies a total yearly application limit of 1.5 pound of nitrogen per 1000 square feet of turf. The Applicant shall modify the Turf Management and Integrated Pest Management Plan to conform to relevant provisions of the Mashpee Nitrogen Control By-law.

GF9. The Commission finds that the probable benefits of the proposed development are:

1. The Project brings development to an area mapped and developed as a Growth/Activity Center by Town planning activities.
2. As claimed by the Applicant's provided Economic and Fiscal Impact Analysis, the Project will provide 48.5 year-round, full-time-equivalent jobs as well as new net tax revenues to the Town.
3. As claimed by the Applicant's provided Market Feasibility Analysis and Study, the Project addresses a regional need for new assisted living and memory care housing units.
4. The Project connects to existing wastewater treatment infrastructure.
5. The Project proposes to provide higher value off-site open space than could be protected on site.
6. Sidewalk connectivity and improvements to and from the Project Site will improve multi-modal transportation options and safety for the public at large.
7. The Project is multiple stories, which reduces the footprint of the building.
8. The Project proposes fewer than the number of parking spaces required by local zoning, which reduces impervious area on the Project Site.
9. The Project submitted a 21E Phase I site assessment as part of the application materials.

GF10. The Commission finds that the probable detriment of the proposed development is:

1. The Project will result in the clearing of 3.64 acres of forested upland.

GF11. The Commission finds after public hearings and consideration of all evidence before it that the probable benefit of the proposed development is greater than its probable detriment.

### RPP CONSISTENCY

#### LAND USE

LUF1. Minimum Performance Standards (MPSs) under the RPP issue area of Land Use do not apply to the Project because the Town of Mashpee has not adopted a Land Use Vision Map (LUVM), the Project is a residential development, and the Project does not propose an expansion of infrastructure.

#### ECONOMIC DEVELOPMENT

EDF1. Given that Mashpee has not adopted a LUVM, the Project is required to meet MPS ED1.1 (Location in Economic Centers) by satisfying certain waiver criteria in MPS ED1.3 (Waiver). The Project meets the following criteria from ED3.1:

Green Design: The Project satisfies this criterion as it has, by virtue of its proposed design, claimed 40 points on the LEED/NC check list.

Shared Infrastructure: The Project satisfies this criterion as it is proposed to connect to Mashpee Commons' existing wastewater treatment facility.

Emerging Industry Clusters: The Project falls within the healthcare industry which is a core sector of the regional economy. The Project provides four (4) high-skill, high-wage, knowledge-based jobs out of (48.5) FTE jobs total. Based on the jobs created by the Project and past Commission practice for reviewing assisted living/ memory care facilities, the Project satisfies this criterion.

Municipal Endorsement: The Applicant has obtained a resolution of the Mashpee Board of Selectmen attesting that the Project is consistent with the Town's LCP and Capital plans, satisfying this criterion.

EDF2. The Project is not adjacent to any working agricultural land, waterfronts, harbors, fishing grounds, or recreational areas, complying with MPS ED1.4 (Resource-based Economic Areas).

#### WATER RESOURCES

WRF1. The Project is not located in a growth area recognized by the Commission because the town has not adopted a LUVM, and the Town of Mashpee does not yet have a Commission-approved Comprehensive Wastewater Management Plan.

WRF2. According to RPP Water Resources Classification Maps I & II, the Project Site is not located in any Wellhead Protection Area, Potential Public Water Supply Area or Freshwater Recharge Area. The Project will be connected to the public water supply. The Project Site is located in a Marine Water Recharge Area that drains to the Mashpee River.

WRF3. The Project incorporates low-impact stormwater designs, consistent with MPS under RPP Goal WR7 (Stormwater), and the Project's wastewater will be treated at the existing Mashpee Commons treatment facility. The Project's Stormwater Report details landscape maintenance procedures for the proposed bioretention systems. Drought and pest-resistant plantings have been selected consistent with MPS WR1.5 (Turf and Landscape Management Plan).

WRF4. Nitrogen loading calculations indicate that the Project will result in a site-wide nitrogen loading concentration of 1.2 milligrams-N per liter (ppm-N), meeting the 5 ppm-N loading standard of MPS WR1.1 (Five-ppm Nitrogen Loading Standard) as calculated in accordance with Technical Bulletin 91-001.

WRF5. The Project Site contributes to the Mashpee River watershed, which has been identified as a nitrogen-overloaded estuary. Therefore, the Project is also subject to MPS WR3.1 (Critical Nitrogen Load Standard for Development), which limits a project's nitrogen load to identified critical nitrogen loading standard for the impaired estuary. In determining critical nitrogen load obligations for the Project, the fair-share limit for the Mashpee River is 1.21 kilograms-N per year per acre (kg-N/yr/ac), or 4.42 kg-N/yr in the case of the 3.6-acre Project Site. This limit is calculated from the watershed nitrogen threshold for the Mashpee River published by the Massachusetts Estuaries Project (MEP).

WRF6. Mashpee Commons has committed to reserving capacity at its plant for wastewater flows generated by the Project. The Mashpee Commons wastewater plant is a potential future component of the Town of Mashpee's pending Comprehensive Wastewater Management Plan. The plan also describes potential expansion of plant capacity from the current 0.018 million gallons per day (mgd) to 0.33 mgd. Actual capacity needs, and future use of the facility as part of the CWMP, depend in large part on the relative success of the proposed initial phases of the plan involving alternative nutrient management strategies, primarily aquaculture, to address water-quality problems in Popponesset Bay.

WRF7. Wastewater design flows of 8,180 gpd generated by the Project will be treated at the Mashpee Commons plant, assumedly prior to any expansion of the facility. As a result, the Project's wastewater nitrogen load will be significantly lower than the 396 kg-N/yr load that would be generated by a standard Title 5 septic system. However, the facility will not treat the Project's proposed wastewater nitrogen load to a level below the Project's "fair share" nitrogen load.

WRF8. Information submitted with the DRI application indicates that wastewater effluent at the Mashpee Commons plant averaged 4.2 ppm-N over the 12-month period ending September 2015. At this level of treatment, the Project would generate a wastewater nitrogen load of 47.1 kg-N/yr, for a total project load of 60.7 kg-N/yr. This load exceeds the Project's "fair share" nitrogen load by 56.3 kg-N/yr. The monetary equivalent to offset this load pursuant to MPS WR3.4 is \$87,200.

WRF9. Pursuant to MPS WR3.1, this \$87,200 monetary offset shall be collected, held, and made available to the Town of Mashpee, as a condition of this DRI approval, for the purpose of managing nitrogen in the Mashpee River watershed. Alternatively, Mashpee Commons presently has an accrued credit of 76.3 kg-N/yr through a prior DRI review that may be transferred in whole or part to the Project by agreement between the Applicant and Mashpee Commons, and a modification to Mashpee Commons North Market Street DRI decision (JR98009), which could potentially reduce or eliminate the Project's required monetary offset and meet MPS WR3.1.

## WILDLIFE AND PLANT HABITAT

WPHF1. The 5-acre Project Site is mapped as a Significant Natural Resources Area (SNRA) due to its location within an area of Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. It is located to the east of Great Neck Road South and to the north of an adjacent utility easement. A wastewater treatment plant is located off-site to the northeast, with its unimproved access road bisecting the Project Site from southwest to northeast. The Site consists of primarily undeveloped woodlands and contains no wetlands or wetland resource areas, or jurisdictional buffers thereto.

WPHF2. MPS WPH1.1 (Natural Resources Inventory) requires applicants proposing to alter undeveloped areas to provide a natural resources inventory (NRI) of a project site. Horsley and Witten Group conducted site evaluations in February 2014 and submitted an NRI consistent with Commission guidelines dated August 2015, meeting MPS WPH1.1

WPHF3. MPS WPH1.2 (Clearing and Grading) directs applicants to minimize clearing and grading and to plant native vegetation as needed or restore wildlife habitat. The Project Site design will minimize clearing and grading through multistory building design and the reduction of parking areas. The landscaping plan will integrate native shrub and tree species into the proposed vegetated areas of the site. Thus the Project meets MPS WPH1.2.

WPHF4. MPS WPH1.3 (Wildlife and Plant Habitat) requires projects to minimize fragmentation of wildlife and plant habitat by providing greenways and wildlife corridors through the use of open space or clustering of development. The Project's development area is concentrated on Great Neck Road South and near the (on-site) gravel driveway for the wastewater treatment plant. A woodland buffer area adjacent to the eastern boundary of the site provides a wildlife corridor within the utility easement area. Thus the Project meets MPS WPH1.3.

WPHF5. MPS WPH1.4 (Rare Species) states that DRIs located within mapped rare species habitat are required to submit the development proposal to the Natural Heritage and Endangered Species (NHESP) program for review. Projects that would result in adverse impacts to habitat of local populations of rare wildlife and plants shall not be permitted. Proponents for Mashpee Commons submitted a conceptual master plan ("Trout Pond Open Space Plan" dated 11/7/2013) that included development of the Project's parcel, and received a determination that the proposal would not result in a prohibited "take" of rare species. Commission staff phoned NHESP and confirmed that this determination applies equally to the Project as currently configured, meeting MPS WPH1.4.

WPHF6. MPS WPH1.5 (Vernal Pools) requires the provision of an undisturbed 350-foot buffer to a vernal pool. According to the NRI, no vernal pools are located on or proximate to the Project Site, thus MPS WPH1.5 does not apply to the Project.

WPHF7. MPS WPH1.6 (Invasive Species) requires that sites with invasive plant species present implement a management and restoration plan, including eradication where possible. The NRI notes the presence of a “small patch” of *Phragmites* within the utility corridor adjacent to but not located on the Project Site, thus MPS WPH1.6 does not apply to the Project.

## OPEN SPACE AND RECREATION

OSF1. MPS OS1.1 (Clustering of Development) requires development within a SNRA to be clustered away from sensitive resources on site and to maintain a continuous corridor to preserve wildlife habitat. The Project’s development of the site is concentrated along Great Neck Road South and the existing gravel driveway that connects to the wastewater treatment plant. A woodland buffer area along the eastern boundary, adjacent to the utility corridor, will maintain the existing wildlife corridor, meeting MPS OS1.1.

OSF2. MPS OS1.2 (Open Space Connections) requires that on-site protected open space be designed to be contiguous or interconnecting with adjacent open space. The Project’s current open space proposal is to provide off-site open space that abuts existing land with conservation value along Great Neck Road South, currently owned or controlled by Mashpee Commons.

OSF3. MPS OS1.3 (Open Space Requirements) requires DRIs to provide permanently protected open space in proportion to the project’s development area. According to the application materials, the developed area for the project is 3.64 acres. As a DRI located within a SNRA, the open space requirement is 7.28 acres of upland. The Applicant indicates that the Project will meet the requirement through the provision of 7.28 acres off-site, but the Applicant has not provided details about the open space parcel. According to the NRI, the Applicant has come to an agreement with Mashpee Commons LP to provide the open space on land “further south” along Great Neck Road that is contiguous with larger undeveloped forested parcels also mapped as rare species habitat and containing occasional areas of wetland habitat. The Applicant shall provide an open space proposal/ plan that specifically identifies the location of the proposed off-site open space parcel for review and approval by Commission staff, as a condition of this decision.

## TRANSPORTATION

TRF1. Traffic analysis for the Project was conducted by BSC Group and is presented in its June 2015 Traffic Impact Study (TIS). The Applicant has provided correspondence from the town’s Design and Plan Review Committees, dated January 6, 2016 and December 15, 2015, respectively supporting the provision of a safe pedestrian connection from the site to the existing multi-use path on Donna’s Lane and Great Neck Road South, and the town’s amenability to allowing the same within the public right-of-way. To afford a safe access to

employee, residents, and visitors to the site as well as the travelling public, this pedestrian connection shall include:

1. A minimum 5-foot-wide sidewalk along the site frontage extending south to the existing crosswalk south of Donna's Lane; and
2. Manual on Uniform Traffic Control Devices (MUTCD)-compliant marking and signage and Americans with Disabilities Act (ADA)-compliant curb ramps at all roadway and driveway crossings.

TRF2. As presented in the June 2015 TIS, trip generation estimates were developed for the proposed 82 bed assisted living facility based on data for similar facilities, as outlined in the *Institute of Transportation Engineers (ITE) Trip Generation, Ninth Edition, 2012*, and is summarized in the following table.

<b>Time Period</b>	<b>Total New Trips<sup>1</sup></b>
Weekday Daily Trips	218
AM Peak Hour Trips	15
PM Peak Hour Trips	29

<sup>1</sup>ITE LUC 254, Assisted Living, 82 beds

Commission Transportation staff reviewed the trip generation source of data and calculations and the trip generation source of data (ITE) and calculations were conducted in conformance with MPS TR0.1 (Sources of Trip-generation Data), complying with MPS TR0.1.

TRF3. No traffic credits for past uses are proposed; therefore, MPS TR0.2 (Traffic Credit for Past Use) does not apply to the Project.

TRF4. The Project shall be conditioned to comply with MPS TR0.3 (Permits for Roadwork prior to Construction) with the provision that, prior to issuance by the Commission of a Preliminary Certificate of Compliance, the Applicant will submit copies of all necessary roadwork approvals and permits to the Cape Cod Commission.

TRF5. The Site is not with a designated Economic Center; therefore, MPS TR0.4 (Alternative Method for Compliance within Economic Centers) and MPS TR0.5 (Incentive for Mixed Use in Economic Centers) do not apply to the Project.

TRF6. With the pedestrian improvements outlined by Finding TRF1, the Project meets MPS TR1.1 (No Degradation of Public Safety), MPS TR1.7 (Bicyclists and Pedestrians Safety and Access/Egress Requirements), and MPS TR2.7 (Bicycle and Pedestrian Accommodations).

TRF7. Based on the fact that the DRI is not expected to increase traffic by 25 vehicle trips or more during the project's peak hour on any road links or at any intersections, the Project

complies with MPS TR1.2 (Crash Frequency at Key Locations) and MPS TR1.3 (Identification of Safety Impact).

TRF8. As presented on the site plans dated 11/11/15, the proposed development is served by a single two-lane, 24-foot-wide driveway onto Great Neck Road South. In order to safely accommodate vehicles entering and exiting the facility, the driveway flares out at the connection with Great Neck Road South resulting in an overall driveway opening in excess of 24 feet. As indicted in the June 2015 TIS, the Applicant “*will work with the Town of Mashpee to install a sidewalk along the Project property frontage within the Town right-of-way.*” A pedestrian refuge island is not necessary at this driveway. With ADA-compliant ramps across the site driveway, the Project meets MPS TR1.4 (Standards for Driveway Construction).

TRF9. The Project shall be conditioned to comply with MPS TR1.6 (Sight-distance Obstructions) with the provision that, prior to issuance by the Commission of a Final Certificate of Compliance, Commission staff will conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TRF10. As detailed in the sight distance analysis included in the June 2015 TIS, the driveway has been located on a tangent section of Great Neck Road South that provides acceptable sight distances, meeting MPS TR1.8 (Sight Distance Requirements).

TRF11. As conditioned herein, transportation mitigation to address or offset safety concerns shall be provided or implemented prior to issuance of a Final Certificate of Compliance, meeting MPS TR1.9 (Mitigation Timing).

TRF12. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff a Travel Demand Management (TDM) plan that will allow the Project to meet the required 25% trip reduction and therefore meet MPS TR2.1 (Trip reduction Outside Growth Incentive Zones or Economic Centers) and MPS TR2.5 (Estimating Trip Reduction). Prior to issuance of a Final Certificate of Compliance, the Applicant shall implement the approved TDM plan, which shall remain in effect for the duration of the use of the Project.

TRF13. Given that the Site is bordered by wooded areas on Great Neck Road South wooded, MPS TR2.3 (Interconnections) and MPS TR2.4 (Incentives for Connections between Adjacent Properties) do not apply to the Project.

TRF14. The Site is not on any fixed-route bus route; therefore, it would not be appropriate to require the Applicant to construct a bus stop and/or bus turn-out and/or bus shelter, and the Project complies with MPS TR2.6 (Bus Stops, Turn-outs, and Shelters).

TRF15. Appropriate rights-of-way currently exist along the Project Site’s street frontage to accommodate expected needs for bicycle and pedestrian accommodation and/or relocation of

utilities; therefore, it is not appropriate to require the Applicant to provide additional rights-of-way, and the Project complies with MPS TR2.8 (Preservation of Frontage).

TRF16. As presented in the June 2015 TIS, the zoning requirement for the proposed development is 92 parking spaces. The Project is proposing 64 parking spaces *“based on parking utilization data collected at other existing Northbridge Facilities.”* The Project is proposing no more than the minimum number of spaces required by town zoning, meeting MPS TR2.9 (Parking Spaces).

TRF17. MPS TR2.10 (Acceptable Trip-reduction Strategies) and MPS TR2.11 (Other Trip-reduction Strategies) detail trip-reduction strategies, such as payments, for meeting the trip-reduction requirement of Goal TR2 not met through other means. No other trip-reduction strategies, as defined by MPS TR2.10 or MPS 2.11, have been proposed by the Applicant; therefore MPS TR2.10, MPS TR2.11, MPS TR2.12 (Trip-Generation Credit), MPS TR2.13 (Inflation Factor), and MPS TR2.14 (Use of Trip-reduction Funds) do not apply to the Project.

TRF18. Since the Project is not located in an Economic Center the site driveway must operate at a Level of Service C or better during the Project’s peak hour. As presented in the June 2015 TIS, the site driveway will operate at Level of Service B during the PM peak hour (project’s peak hour) under 2020 build conditions and meets the operation requirements of MPS TR3.1 (Operation Requirements).

TRF19. As conditioned herein, the Project will comply with all MPS under Goal TR2 (Trip Reduction/Transportation Balance and Efficiency); therefore, with that assumption that for the purpose of meeting the requirements of Goal TR3 (Level of Service/Congestion Management), the Project is allowed to reduce its estimated trip generation by 25 percent and complies with MPS TR3.2 (Credit for Trip-reduction Mitigation).

TRF20. Transportation-related materials submitted by the Applicant were prepared in accordance with Cape Cod Commission Technical Bulletin 96-003, meeting MPS TR3.3 (Traffic Studies).

TRF21. No increases in the mainline capacity of limited-access highways on Cape Cod have been proposed by the Applicant; therefore, the Project complies with MPS TR3.11 (No Capacity Increase on Controlled-access Highways).

TRF22. As presented in the June 2015 TIS, the Applicant has proposed a payment following the methodology of MPS TR3.6 (“Fair-share” Payments), to meet the congestion mitigation requirements of MPS TR3.4 (Mitigation of Congestion Impacts Required). The calculation of the “Fair-share” payment was performed in accordance with the requirements of MPS TR3.6 and guidance in Technical Bulletin 96-003. Using updated transit cost data, the amount of the payment is \$89,200.

TRF23. The monetized value of proposed off-site portions of the pedestrian improvements outlined by Finding TRF1 may be credited towards this \$89,200 in the amount of \$50,000, as

these pedestrian improvements provide a public benefit and assist to manage and mitigate roadway vehicular congestion issues.

TRF24. Based on comment from the public at the DRI hearing on March 9, 2016, the Applicant proffered the installation of a rectangular rapid flash beacon (RRFB) for the crosswalk across Great Neck Road South south of Donna's Lane. Commission staff determined this off-site pedestrian improvement would represent a benefit to the public and its monetized value could be further credited towards the above-referenced \$89,200 congestion mitigation payment in the amount of \$20,000.

TRF25. Thus, as a condition of this decision, the Project shall provide the pedestrian improvements outlined in Findings TRF1 and TRF 24, and make a payment of \$19,200 to mitigate adverse traffic impacts, complying with MPS TR3.4.

TRF26. As conditioned herein, an annual inflation rate shall be applied to the proposed congestion mitigation payment. Based on a 10-year annual average increase of the National Highway Construction Cost Index prepared by the Federal Highway Administration, an annual inflation rate of 1% is appropriate. This 1% annual inflation rate shall be applied to the congestion mitigation payment from the date of the final Commission decision until the funds are paid, meeting MPS TR3.15 (Inflation Factor).

TRF27. As conditioned herein, the use of congestion mitigation funds shall be "*used to support projects or strategies that encourage alternatives to automobile travel*" in the town of Mashpee, in accordance with the requirements of MPS TR3.16.

## ENERGY

EF1. According to the application materials, the building and common spaces will be designed to achieve an Energy Star Target Rating of 75 or higher and the building envelope will comply with ASHRAE 90.1-2010 Section 5.4. The Energy Star SEDI submitted in the application shows an Energy Star Design Score of 80. Thus, the Project meets MPS E1.2 (Designed to Earn Energy Star Certification) and E1.3 (ANSI/LEED Standards).

EF2. The Assisted Living units of the building will be designed to specifications in the Energy Star Qualified Homes Builder Option package which relate to cooling/heating equipment, thermostat, ductwork, building envelope, windows, water heater, and lighting and appliance selection, meeting MPS E1.4 (Multi-family Projects).

EF3. The application materials include a narrative describing strategies to achieve LEED certifiability and a project checklist prepared by a LEED-accredited professional, meeting MPS E1.5 (On-site Renewable Energy Generation).

## AFFORDABLE HOUSING

AHF1. The Project will provide affordable units on-site to meet the 10% requirement of the RPP as outlined by MPS AH1.1 (Residential Requirement). The RPP requires that affordable unit

types should be provided in the same proportion as will be provided with market units. The architectural plan set provided in the application materials specifies the Project will create a total of 7 studio assisted living units, 37 one-bedroom assisted living units, 8 two-bedroom assisted living units, 12 studio memory care units, 1 one-bedroom memory care unit, and 4 “shared” memory care units.

AHF2. To meet MPS AH1.8 (Timing and Mix of Affordable Units), the Project shall meet the 10% requirement through the provision of 1 studio assisted living unit, 4 one-bedroom assisted living units, and 2 memory care beds. The Project shall place the Affordable Units under a perpetual affordable housing restriction, as conditioned herein.

AHF3. MPS AH1.11 (Pricing and Rents of the Affordable Units) shall be met by calculating the affordable rent and services using the MassHousing Elder Choice program guidelines of total fees for rent and services, which package of services is incorporated herein under Condition AHC2, not to exceed 75% of income for a household at 80% of area median income for the Barnstable MSA. Assisted living one-bedroom units shall be priced for a 1.5-person household. Assisted living studio units and memory care beds shall be priced for a 1-person household.

AHF4. The Project, as conditioned herein, shall meet all fair housing/equal opportunity standards of the RPP.

#### HERITAGE PRESERVATION AND COMMUNITY CHARACTER

HPCCF1. Based on MHC’s MACRIS database there are no known historic structures on the Project Site. Though there is one modern historic structure identified in the database located across Great Neck Road from the Project, it would not be adversely impacted by the proposal given the distance and buffering between the properties, meeting MPS HPCC1.1 (Historic Structures).

HPCCF2. The Project will not have an effect on any historic of cultural landscapes, meeting MPS HPCC1.2 (Cultural Landscapes).

HPCCF3. The Applicant submitted a Project Notification Form to the Massachusetts Historical Commission (MHC) to determine whether there are any concerns regarding archaeological resource impacts from the proposed development. Commission staff confirmed with MHC that no resource impacts were identified.

HPCCF4. Based on comment by David Weeden, Deputy Tribal Historic Preservation Officer of the Mashpee Wampanoag Tribe, at the DRI hearing on March 9, 2016, Commission staff later determined that the Project Site has been mapped within a zone of moderate archaeological sensitivity by the Public Archaeology Laboratory, Inc. (PAL) as part of its December 2011 report titled “Final Technical Report, Archaeological Reconnaissance Survey, Town of Mashpee”. The PAL report specifically states that proposed development within these zones may require archaeological testing or documentary research. Such mapping is incorporated into the town’s

zoning by-law, and location in such an area under the by-law is considered by the town's Planning Board when reviewing a special permit application.

HPCCF5. MPS HPCC1.3 (Archaeological Sites) provides that, where development is proposed on or adjacent to known archaeological sites or sites with high archaeological sensitivity as identified by the Massachusetts Historical Commission (MHC) or through local planning processes, it shall be configured to maintain and/or enhance such resources where possible, and that a predevelopment investigation of such sites shall be required early in the site planning process to serve as a guide for layout of the development. The local mapping suggests that the Project may be located in an area of high archaeological sensitivity. MPS HPCC1.3 further requires that archaeological sites determined eligible for listing on the National Register of Historic Places shall be preserved and protected from disturbance. Based on the findings of the PAL report, and its incorporation into local zoning, the Commission requires, as a condition of this decision, the Applicant to contract with a qualified archaeological consultant to perform a pre-development archaeological survey of the Project Site, in accordance with 950 CMR 70, to identify any potential archaeological sites determined eligible for listing on the National Register of Historic Places. If MHC determines, after receipt and review of such survey report, that a site is discovered eligible for listing on the National Register of Historic Places, then the Applicant shall seek a modification to revise the Project consistent with MHC's determination and MPS HPCC1.3.

HPCCF6. The Project is consistent with RPP Project Siting Standards MPS HPCC2.1 (Strip Development), HPCC2.2 (Protection of Existing Roadway Character), and HPCC2.3 (Avoid Adverse Visual Impacts) in that it does not create strip development, does not propose changes to existing roadway character, and is not located on a scenic roadway.

HPCCF7. The Project's building is consistent with RPP Building Design Standards MPS HPCC2.4 (Consistency with Regional Context for Surrounding Distinctive Area), HPCC2.5 (Footprints over 15,000 Square Feet), and HPCC2.6 (Building Forms and Facades). MPS HPCC2.7 (Non-traditional Materials and Designs) does not apply to the Project, as it is not located in an industrial area. The building is divided into two main components arranged at very different distances from the street. The rear portion of the building is set back more than 100 feet from the front façade, clearly separating the two massings. All facades incorporate changes in setback and projection, as well as changes in roof height and façade detailing. The portion of the building closest to the street is approximately 220 feet long, but is divided into three components with 15 foot setbacks between the sections, plus smaller setbacks adjacent to porch areas. These setbacks, plus significant changes in roof height and configuration (the peak ranges from 28 to 34 feet, and the eave height also varies), and variation in the porch and window design, provide sufficient variation in building forms and facades. The Project proposes finishes that are consistent with Commission guidelines. The Project is not located in an Historic District, or an area with a distinctive or dominant architectural style.

HPCCF8. Proposed parking is located to the side and rear of the building. The Project proposes a significant amount of landscaping incorporating sustainable plant materials and planted bioretention areas, and the Applicant has provided a draft landscape maintenance agreement.

Thus, the Project meets MPS HPCC2.8 (Parking to the Side or Rear of Buildings), HPCC2.9 (Landscaping Improvements for Redevelopment), and HPCC2.10 (Landscape Plan Requirements).

HPCCF9. The Applicant's proposed lighting plan is consistent with requirements of MPS HPCC2.11 (Exterior Lighting). The Applicant has not proposed any signage, but any proposed signage, including sign lighting, must be designed consistent with MPS HPCC2.11 and MPS HPCC2.12 (Signage), and first submitted to the Commission for review and approval prior to installation.

## **CONCLUSION**

Based on the above findings, the Commission further finds that:

1. Subject to the Conditions, below, the Project is consistent with the Regional Policy Plan and the applicable goals and minimum performance standards therein.
2. Based on correspondence with Town of Mashpee Town Planner Thomas Fudala, dated 2/11/2016, and review by Commission staff, the Project is consistent with local development by-laws and the Town's Local Comprehensive Plan, subject to obtaining local permits for the Project.
3. The Project Site is not located within a designated District of Critical Planning Concern (DCPC), other than the Cape-wide Fertilizer Management DCPC. Subject to the Conditions, below, the Project is consistent with the Town of Mashpee's DCPC implementing regulations.
4. With specific emphasis on Findings GF9, GF10, and GF11 herein, the probable benefit of the Project is greater than its probable detriment.
5. The Commission hereby approves, with conditions, the DRI application of The Northbridge Companies for construction and operation of the proposed 70-unit assisted living and memory care facility located at 68 Great Neck Road South, Mashpee, MA subject to the following Conditions:

## **CONDITIONS**

### GENERAL CONDITIONS

GC1. This decision is valid for a period of 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision.

GC2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, agents, affiliates, successors, and assigns.

GC3. Failure to comply, and remain in compliance, with all findings and conditions state herein, and with all related Commission laws and regulations, shall be deemed cause to revoke or modify this decision.

GC4. The Applicant shall obtain all necessary federal, state, and local permits for the Project. Specifically, prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall obtain all necessary municipal permits, licenses and approvals for the Project, including but not limited to a Planning Board Special (Use) Permit for an Assisted Living Facility.

GC4(a). The Project's consistency with municipal development by-laws or ordinances shall be evidenced and confirmed by the Applicant obtaining all said necessary municipal permits, licenses and approvals.

GC5. No local permitting or permitting review for development work as approved herein, including but not limited to site work and installation of foundations or footings, shall be undertaken until this decision is final and the Commission Clerk certifies in writing that the decision appeal period has elapsed or if such an appeal has been filed, until the appeal has been finally dismissed, or is adjudicated or otherwise disposed of in favor of the Applicant.

GC6. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced herein under Finding GF5. This decision does not permit any other work or development at the Project Site, including tree and vegetation clearing and removal, except as authorized herein. Changes to the approved Project shall require modification to this decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All other plans and documents required to be submitted as conditions of this decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by Commission staff.

GC7. Prior to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with this decision.

GC8. Prior to issuance of any Preliminary Certificate of Compliance by the Cape Cod Commission for development as approved herein, the Applicant shall submit final project plans as approved, and permits, licenses and approvals issued, by state, federal, and local authorities for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those project plans approved, referenced and incorporated herein, the Commission shall require that the Applicant seek a modification to this decision for further review and approval of the project plan changes in accordance with the "*Modification*" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

GC9. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide to the Commission a recorded copy of the deed conveying fee ownership of the Project Site from the current owner to the Applicant or its nominee, and a recorded copy of the Approval Not Required Plan creating the Project Site.

GC10. Prior to issuance of a Preliminary Certificate of Compliance, but not until the appeal period for this decision has elapsed, or if such an appeal has been filed, until the appeal has been finally dismissed, or adjudicated or otherwise disposed of in favor of the Applicant, the Commission shall record a copy of this decision with the Barnstable Registry of Deeds, with recording costs borne by the applicant. This decision shall not be effective until a copy of the same has been so recorded.

GC11. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor(s).

GC12. Prior to issuance of a Certificate of Use/Occupancy for the Project by the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

GC13. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a certificate, it shall provide Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its compliance review, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

#### RPP CONSISTENCY

#### WATER RESOURCES

WRC1. Prior to issuance of a Final Certificate of Compliance, the Applicant shall pay to the Barnstable County treasurer in care of the Commission \$87,200, which shall be held and made available to the Town of Mashpee for the purpose of managing nitrogen in the Mashpee River watershed.

WRC1a. Mashpee Commons may transfer nitrogen mitigation credits to the Project by agreement between the Applicant and Mashpee Commons, and by modification to the

Mashpee Commons North Market Street DRI decision (JR98009), to satisfy in whole or part the Project's required monetary offset set out in WRC1, above.

WRC1b. Commission staff may reduce the required \$87,200 mitigation payment, prior to its payment by the Applicant, based on further information from the Applicant substantiating a lower Project nitrogen load to the Mashpee River watershed, such as further documentation about regular performance of the Mashpee Commons WWTF at higher total nitrogen treatment levels than the information submitted in the DRI application, the Turf Management Plan suggesting a lower fertilizer nitrogen load than that estimated in the Applicant's nitrogen loading report submitted as part of the DRI application, etc.

WRC2. Pursuant to MPS WR7.10 (Stormwater Operation and Maintenance Plan), one year from completion of the stormwater system, or prior to the issuance of a Final Certificate of Compliance, as the case may be, a Professional Engineer shall inspect the system and submit a letter to Commission staff certifying that the system was installed and functions as designed and approved.

#### OPEN SPACE AND RECREATION

OSC1. To ensure compliance with MPS OS1.3, prior to issuance of the Preliminary Certificate of Compliance, the Applicant shall prepare a Conservation Restriction (CR), consistent with M.G.L Chapter 184, Sections 31-33, inclusive, and an accompanying conservation restriction plan for Commission staff review and approval that permanently protects at least 7.28 acres of upland having appropriate natural resource values. A willing grantee shall be designated in the draft CR.

OSC2. Prior to issuance by the Commission of a Final Certificate of Compliance, the Applicant shall provide to the Commission a copy of said final executed Conservation Restriction and plan, as approved by Commission staff, as recorded with the Barnstable County Registry of Deeds.

#### TRANSPORTATION

TRC1. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit copies of all necessary roadwork approvals and permits to the Cape Cod Commission.

TRC2. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff a Travel Demand Management (TDM) plan, consistent with MPS TR2.1 (Trip Reduction Outside Growth Incentive Zones or Economic Centers) and TR2.5 (Estimating Trip Reduction), that the Applicant shall implement prior to issuance of a Final Certificate of Compliance and to meet the Project's required 25% trip reduction requirement.

TRC3. Prior to issuance of a Final Certificate of Compliance, Commission staff shall conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TRC4. Prior to issuance of a Final Certificate of Compliance, the following pedestrian connection shall be constructed or installed:

1. A minimum 5-foot-wide sidewalk along the site frontage extending south to the existing crosswalk south of Donna's Lane;
2. Manual on Uniform Traffic Control Devices (MUTCD)-compliant marking and signage and Americans with Disabilities Act (ADA)-compliant curb ramps at all roadway and driveway crossings; and
3. A rectangular rapid flash beacon (RRFB) for the crosswalk across Great Neck Road South south of Donna's Lane.

TRC5. Prior to issuance of a Final Certificate of Compliance, the Project shall pay to the Barnstable County Treasurer in care of the Commission a traffic congestion mitigation payment of \$19,200, which payment shall be held for and made available to the town of Mashpee to support projects or strategies that encourage alternatives to automobile travel.

TRC5a. A 1% inflation rate shall be applied to the congestion mitigation payment for the period of time from the date of the final Commission decision until the funds are paid as outlined by Finding TRF24 herein.

#### AFFORDABLE HOUSING

AHC1. To ensure compliance with MPS AH1.1 (Residential Requirement), MPS AH1.4 (Calculation of Affordable Units), MPS AH1.8 (Timing and Mix of Units), MPS AH1.11 (Pricing and Rents of the Affordable Units), and MPS AH1.12 (Permanent Affordability), the Applicant shall submit for Commission staff review and approval an affordable housing restriction prior to issuance of a Preliminary Certificate of Compliance and prior to issuance of a Building Permit. The Applicant shall submit a copy of the approved restriction that has been recorded at the Barnstable County Registry of Deeds prior to issuance of a Final Certificate of Compliance and prior to issuance of a Certificate of Use/Occupancy.

At a minimum, the affordable housing restriction shall contain the following requirements:

- (1) studio assisted living unit, (4) one-bedroom assisted living units, and (2) memory care beds with affordable unit square footage sizes apportioned in a similar proportion as those of the market rate units.
- Maximum household income eligibility of 80% of the U.S. Department of Housing and Urban Development (HUD) area median income (AMI), adjusted for household size, with income eligibility determined in accordance with Barnstable County HOME Consortium guidelines (24 CFR Part 5).
- Maximum monthly rent and service charges for the affordable units/beds calculated at 75% of the income of a household at the 80% AMI, adjusted for household size. A standard package of services shall be provided by the Applicant, which shall be included within the maximum monthly rent and service charges for the affordable units/beds.

AHC2. There shall be equity between the standard package of services provided by the Applicant to market and affordable beds/units. The details of the standard package of services for the assisted living and memory care units, consistent with the following general elements in subparts a and b of this condition, shall be specified by the Applicant and reviewed by Commission staff as part of the draft affordable restriction submitted for Commission approval prior to the issuance of a Preliminary Certificate of Compliance.

AHC2a. The standard package for assisted living units shall include, at a minimum, the following general elements:

- Assisted Living Housing Unit;
- Electric and HVAC utilities;
- One meal (dinner) per day;
- Standard housekeeping services;
- Hands-on direct care relating to life care needs with activities of daily living (ADL) with a nurse's assistant;
- Standard facility-wide transportation (i.e., shuttle to shopping, etc.);
- Emergency call system for each residential unit;
- Social, recreational, and health promotion activities; and
- Access to onsite amenities (i.e. bank, hair salon, therapy and massages, clinic, etc.)

Not included and subject to additional costs are the following:

- Additional meals per day;
- Cable TV, telephone, and internet access;
- Apartment furnishings;
- Additional hands-on daily care (ADL);
- Prescriptions and medications; and
- Medical or physician-oriented treatment.

AHC2b. The standard package for memory care units shall include, at a minimum, the following general elements:

- Memory Care Housing Unit (studio that includes a sleeping area);
- Electric and HVAC utilities;
- Three (3) meals per day;
- Standard housekeeping services;
- Nursing care;
- Hands-on direct care relating to life care needs (ADL);
- Standard facility-wide transportation;
- Emergency call system for each residential unit;
- Social, recreational, and health promotion activities; and
- Access to onsite amenities (i.e. bank, hair salon, therapy and massages, clinic, etc.)

Not included and subject to additional costs are the following:

- Cable TV, telephone, and internet access (all only as appropriate);
- Apartment furnishings;
- Prescriptions and medications; and
- Additional medical or physician-oriented treatment.

AHC3. Prior to issuance of a Preliminary Certificate of Compliance, and prior to issuance of a Building Permit, to ensure compliance with MPS AH1.8 (Timing and Mix of Units), the Applicant shall submit for Commission staff review and approval construction plans and a chart that shows unit square foot sizes with a similar proportion of affordable and market rate units among the various sized units.

AHC4. Prior to issuance of a Preliminary Certificate of Compliance, and prior to issuance of a Building Permit, to ensure compliance with MPS AH 1.9 (Size and Integration of the Affordable Units) and MPS AH 2.2 (Visit-ability and/or Accessibility), the Applicant shall submit for Commission staff review and approval construction plans and specifications that show at least one (1) of the affordable units are handicapped accessible and can be lived in by handicapped persons and/or meet visit-ability standards.

AHC5. To ensure compliance with MPS AH1.11 (Pricing and Rents of the Affordable Units), the Applicant shall submit for Commission staff review and approval the final proposed rents and service charges for all affordable units prior to issuance of a Preliminary Certificate of Compliance and issuance of a Building Permit.

AHC6. To ensure compliance with MPS AH1.13 (Monitoring of Affordability), the Applicant shall submit for Commission staff review and approval a proposed monitoring agent(s) and a draft monitoring agreement and such approved monitoring agreement shall be executed with the agreed-upon monitoring agent prior to issuance of a Preliminary Certificate of Compliance and prior to issuance of a Building Permit.

AHC7. To ensure compliance with MPS AH2.1 (Non-discrimination) and MPS AH2.3 (Affirmative Marketing and Tenant Selection), the Applicant shall submit for Commission staff review and approval an affirmative marketing and tenant selection plan that has similar elements and is consistent with affirmative marketing and selection policies as described in the Local Initiative Program (LIP) Affirmative Fair Housing Marketing Plan guidelines prior to issuance of the Preliminary Certificate of Compliance and prior to issuance of a Building Permit.

#### HERITAGE PRESERVATION AND COMMUNITY CHARACTER

HPCCC1. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall have an archaeological survey of the Project Site performed by a qualified archaeological consultant, pursuant to 950 CMR 70, and submit the same for review by Commission staff and the Massachusetts Historical Commission. If MHC determines that an archaeological site eligible for listing on the National Register of Historic Places is found, the Applicant shall seek, prior to

the commencement of any development work authorized hereunder, a modification to this decision to revise the Project consistent with MHC's determination and MPS HPCC1.3.

HPCCC2. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit a Turf Management and Integrated Pest Management Plan for review and approval by Commission staff which is consistent with the Project's approved landscape plan, relevant provisions of Mashpee's Nitrogen Control By-law, and relevant HPCC MPSs. When reviewed and approved by Commission staff, such document shall be deemed incorporated into this decision and the Project shall be implemented and maintained according to such documents.

HPCCC3. Prior to issuance of a Final Certificate of Compliance, the Applicant shall submit an executed Landscape Maintenance Contract consistent with the draft reviewed and approved by Commission staff and incorporated herein under Finding GF5.

HPCCC4. Should the Applicant propose any signage, it shall, prior to installation, provide copies of any signage plans and specifications, including sign lighting, to Commission staff for review and approval for consistency with MPS HPCC2.11 (Exterior Lighting) and MPS HPCC2.12 (Signage).

***SEE NEXT PAGE FOR SIGNATURES***

**SIGNATURES**

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss \_\_\_\_\_, 2016

Before me, the undersigned notary public, personally appeared \_\_\_\_\_,

in his/her capacity as \_\_\_\_\_ 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.

\_\_\_\_\_  
Notary Public

My Commission Expires:

SEAL