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CAPE COD  
COMMISSION

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## Minutes

### Meeting

### Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers  
3195 Main Street, Barnstable, MA 02630

March 31, 2016

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	Absent
Mashpee	Ernest Virgilio	✓ <i>(Recused &amp; left at 3:10 p.m.)</i>
Orleans	Len Short	✓
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	Danielle Hill	✓
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, March 31, 2016 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

## ■ SUMMARY OF ACTIONS TAKEN/VOTES:

### **Announcement of the Nominating Committee**

Chair Richard Roy announced the establishment of a Nominating Committee and said Committee members are Ernest Virgilio, Jack McCormack, and Len Short. He said the Committee will nominate a Slate of Cape Cod Commission Officers and Commission members who are interested in serving as Chair, Vice-Chair and Secretary should contact Gail Hanley at the Commission Office or Chair Richard Roy and their requests will be forwarded to the Nominating Committee.

### **Continued Public Hearing: Northbridge Assisted Living and Memory Care Facility #TR15023**

Following presentations, testimony, discussion and deliberation on the Development of Regional Impact (DRI) application by The Northbridge Companies for the construction of a 70-unit Assisted Living and Memory Care Facility on a 3.64-acre parcel located at 68 Great Neck Road South in Mashpee, MA, the Commission voted unanimously to close the public hearing, approve the project as a Development of Regional Impact and adopt the draft written decision for the project.

## ■ EXECUTIVE DIRECTOR'S REPORT

Deputy Director Kristy Senatori said the communications staff at the Commission is preparing a town-related newsletter that will be distributed to Commission members. A kickoff meeting was held on March 18 for the National Oceanic and Atmospheric Administration (NOAA) Coastal Resiliency Grant with Commission staff and the other partners working on the grant.

## ■ MINUTES

The minutes of the March 17, 2016 Commission Meeting were reviewed. Len Short moved to approve the minutes. Jack McCormack seconded the motion. A vote called on the motion to approve the minutes passed with 12 votes in favor and 2 abstentions.

Chair Richard Roy announced a change in the order of agenda items that would be taken up today and the item regarding the Nominating Committee would be taken out of order.

## ■ ANNOUNCEMENT OF THE NOMINATING COMMITTEE

Chair Richard Roy said for the purpose of nominating a Slate of Cape Cod Commission officers for the term beginning July 1, 2016 to June 30, 2017 a Nominating Committee has been established. He said the members of the Nominating Committee are Ernest Virgilio, Jack McCormack and Len Short. He said Commission members interested in serving as Chair, Vice-Chair and Secretary for the one-year term should contact Gail Hanley at the Cape Cod Commission office or Chair Richard Roy and they will forward that information on to the Nominating Committee for their meeting.

## ■ NORTHBRIDGE ASSISTED LIVING AND MEMORY CARE FACILITY — #TR15023

Commission member Ernest Virgilio recused himself from the public hearing and left the meeting at 3:10 p.m.

Chair Richard Roy noted that this is a continued public hearing from March 9, 2016. He read the hearing notice and opened the continued public hearing at 3:10 p.m.

The minutes of the March 23, 2016 DRI subcommittee meeting were reviewed by the subcommittee. Richard Conron moved to approve the minutes. Len Short seconded the motion. A vote called on the motion to approve the minutes passed with a unanimous vote of the subcommittee.

Russell Burke, with the BSC Group representing The Northbridge Companies, with the use of PowerPoint slides described the existing site. He said the proposed project is a 70-unit assisted living and memory care facility with 60 beds in the assisted living portion and the memory care portion will provide for 22 beds for a total of 82 beds. He said the proposed project is on a 3.64-acre wooded site. He said the property has been reconfigured and he referred to PowerPoint slides showing the proposed building.

Brian Yergatian, with the BSC Group representing The Northbridge Companies, discussed the proposed utilities plan and said they are proposing one single means of egress and ingress into the site. He said they will be relocating the gravel access drive, the existing area will be revegetated and the access drive will be used only by the wastewater facility. He discussed drainage and stormwater management and said the proposed project incorporates low-impact stormwater designs that meet the standards of the Commission's Regional Policy Plan (RPP) and they will be using biofiltration devices.

Russell Burke provided a traffic overview and said during the course of review with Commission staff the project did not meet critical mass for peak hours and some issues did arise. He said Commission staff requested Transportation Demand Management (TDM) Measures and they agreed to adopt TDM measures, they have agreed to provide a sidewalk along the side of their property and have worked with the Town of Mashpee on this. He said residents at the Wind Chimes development have concerns with existing traffic and safety there. He said they have agreed to provide a rectangular rapid flashing beacon and it will be incorporated into their proposed project. He said there are concerns that the property is in an area of sensitivity as a significant archaeological site. He said they have worked with staff, they have engaged a consultant to survey the site and they are waiting to receive a report from the Massachusetts Historical Commission (MHC). He said they have designed the building to be LEED certifiable.

Anna Gordon, of EGA Architects, said the project is designed to be LEED certifiable and they have satisfied the Energy Star Rating system. She explained the commercial portion and described the points needed to be certifiable in five categories for sustainable sites; water efficiency; energy and atmosphere; materials and resources; and indoor environmental quality as well as points for innovation and design process and regional priority credits. Ms. Gordon said they are confident that they will get 48 points.

Alan Crepeau, of EGA Architects, said the proposed project is a two-story assisted living facility and the building is over 65,000 square feet. He described the design of the building and said the goal is to create assemblage broken up in a small Cape style vernacular to reduce a large mass. He referred to PowerPoint slides and described the interior floor plan of the first and second floors of the proposed facility and the courtyard areas outside. He referred to exterior renderings of the building looking northeast and southeast from Great Neck Road South and described the building exterior and the materials used for the building as a mix of wood cedar shingles and wood cedar clapboard with an asphalt shingle roof.

Jeff Ribeiro, Regulatory Officer at the Commission, said the project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(g) of the Commission's DRI Enabling Regulations as proposed development that is planned to create or add 30 or more Residential Dwelling Units. He provided a procedural history on the project and said the Commission received a DRI referral from the Mashpee Planning Board on November 23, 2015 and the first substantive hearing on the project was held on March 9, 2016. Mr. Ribeiro provided an overview of the project and explained the DRI review of the project in the Regional Policy Plan (RPP) issue areas for land use, economic development, water resources, natural resources, open space, transportation, energy, affordable housing, and heritage preservation/community character and explained consistency with the RPP in those issue areas. He said the area is mapped as a moderate sensitivity area and the project will also be reviewed under a local municipal permit. He said Commission staff required that the applicant perform a full Massachusetts Historical Commission (MHC) survey. He said the property is currently owned by Mashpee Commons with a pending purchase and sale agreement with the applicant. He explained the conditions in the draft decision and said the subcommittee found that the proposed project will provide eight project benefits and found clearing of 3.64 acres to be one project detriment. He said the project is consistent with the local zoning

bylaws and Mashpee's Local Comprehensive Plan (LCP) as the LCP encourages development of healthcare. He said Town Planner Tom Fudala has stated that the project will need a Planning Board special permit. He said the Town of Mashpee did adopt implementing regulations under the Cape-wide Fertilizer District of Critical Planning Concern (DCPC) and the applicant meets the conditions of the DCPC implementing regulations. He said the subcommittee found that the proposed project benefits outweigh the proposed project detriment and recommends approval of the project.

Elizabeth Taylor asked if solar had been considered.

Anna Gordon said that solar was considered. She said the payback would have been 25-26 years. She at this time that is not part of the project scope.

Elizabeth Taylor inquired about nitrogen loading.

Jeff Ribeiro said the new turf management plan will have an overall small effect. He said it was accounted for based on what they received from the applicant.

Len Short inquired about the rationale behind gating the second egress and asked if there would be access in case of an emergency such as a fire.

Russell Burke said that was requested by the wastewater facility. He said it's that way now and they want to keep it that way.

Chair Richard Roy said that was considered by the subcommittee and the fire department would have access.

Royden Richardson questioned the amount of living space for individual areas. He referred to the number of employees versus the number of residents and said he is concerned about the staff-resident ratio and said it seems like a low ratio.

Ray Mitrano, The Northbridge Companies, said many units are for independent living and the staff is typical for these types of facilities.

Al Crepeau described the standards for this type of facility. He described the space for residents and common areas. He said the numbers are accurate for the amount of common space. He said the spaces are very large, the dining area opens up, and there is a theater area and community space. He said requirements are set forth by the Department of Elder Affairs and this project meets the standards.

Russell Burke said an assisted living facility is not the same as a nursing facility. He said it's not for residents who require healthcare. He said the common areas are beneficial to the residents and said interaction is important. He said on the assisted living side people are living quite well independently. He said The Northbridge Companies are leaders in assisted living and memory care facilities.

Al Crepeau said the memory support side also has its own common areas. He said the intent is to create a homelike environment.

Chair Richard Roy called for testimony from federal, state, local entities and the public. No testimony was given.

Jack McCormack moved to close the public hearing. Elizabeth Taylor seconded the motion. A vote called on the motion passed with a unanimous vote.

Harold Mitchell moved to adopt the draft written DRI decision for the project and to approve the project subject to the conditions in the DRI decision. Jack McCormack seconded the motion. A vote called on the motion passed with a unanimous vote by the Commission.

■ **NEW BUSINESS**

*Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*

Roger Putnam suggested that Jack Yunits, the recently appointed County Administrator, be invited to come to a scheduled Commission meeting to introduce himself to the Commission and outline his objectives for the County. Mr. Putnam said he was on the selection committee for the County Administrator position and he was very impressed with Mr. Yunits and his previous experience.

Chair Richard Roy said Mr. Putnam's request would be considered for a future Commission meeting.

A motion was made to adjourn at 4:43 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Jack McCormack, Secretary

**List of Documents Used/Presented at the March 31, 2016 Commission Meeting**

- Minutes of the March 17, 2016 Commission meeting.
- Handout material: March 31, 2016 Commission meeting agenda.
- Handout material: Draft DRI decision for the Northbridge Assisted Living and Memory Care Facility project.
- Material presented: PowerPoint presentation on the Northbridge Assisted Living and Memory Care Facility project prepared and presented by BSC Group.
- Material presented: PowerPoint presentation on the Northbridge Assisted Living and Memory Care Facility project prepared and presented by Commission staff.