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CAPE COD
COMMISSION

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Minutes
Meeting of
Cape Cod Commission

August 2, 2012

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

| Town | Member | Present |
|-------------------------|---------------------|---------|
| Barnstable | Royden Richardson | ✓ |
| Bourne | Michael Blanton | Absent |
| Brewster | Elizabeth Taylor | ✓ |
| Chatham | Vacant | Vacant |
| Dennis | Richard Roy | Absent |
| Eastham | Joy Brookshire | ✓ |
| Falmouth | Vacant | Vacant |
| Harwich | Robert Bradley | Absent |
| Mashpee | Ernest Virgilio | ✓ |
| Orleans | Leonard Short | ✓ |
| Provincetown | Austin Knight | ✓ |
| Sandwich | Joanne O'Keefe | ✓ |
| Truro | Peter Graham | ✓ |
| Wellfleet | Roger Putnam | ✓ |
| Yarmouth | John McCormack, Jr. | ✓ |
| County Commissioner | Mary Pat Flynn | ✓ |
| Minority Representative | John Harris | ✓ |
| Native American Rep. | Vacant | Vacant |
| Governor's Appointee | Herb Olsen | Absent |

The meeting of the Cape Cod Commission was called to order on Thursday, August 2, 2012 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki said the Strategic Information Office presentation scheduled for today's meeting will be postponed until after the presentation has been made to the Barnstable County Commissioners.

■ MP RENAISSANCE, LLC

Ernest Virgilio moved to approve the minutes of the July 23, 2012 subcommittee meeting. Roy Richardson seconded the motion. The motion passed with a unanimous vote by the subcommittee.

Vice-Chair Jack McCormack read the hearing notice and opened the hearing at 3:10 p.m.

Andrea Adams, senior regulatory planner at the Commission, with the use of PowerPoint slides said the existing setting of the project is a vacant, wooded 22.5-acre site in Brewster located on the west side of Route 124. She said the proposed project consists of a single two-story building with two wings connected to a central common core that will be one-story in height. She said the proposed project is a 132-unit residential care facility consisting of 65 assisted living units, 66 memory care units, and one manager's unit with a gross floor area of approximately 131,877 square feet. She said project also includes associated parking, landscaping, lighting, and on-site wastewater treatment facility. She explained the Commission's jurisdiction and said the referral was received on January 12, 2012. She provided a procedural history on the project and said on June 21, 2012 the subcommittee voted to recommend approval of the project to the Commission with conditions and to direct staff to draft a decision. She provided the subcommittee's analysis regarding land use, economic development, water resources, coastal, wetlands, wildlife/plant habitat, open space, transportation, hazardous and solid waste management, energy, affordable housing, heritage preservation and community character. She explained the standards for DRI review and approval and said Brewster does not have a Local Comprehensive Plan which has been certified by the Commission as consistent with the Regional Policy Plan (RPP); the project is consistent with Brewster Development Bylaws provided the applicant successfully obtains a Special Permit, a variance for height, and Site Plan Review; the development is not located in a District of Critical Planning Concern; and the probable benefit from the proposed development is greater than the probable detriment. Ms. Adams noted probable benefits as protection of 4.79 acres of land in excess of the amount required by Minimum Performance Standard (MPS) OS1.3 (providing 12.8 acres, requirement is 8.01 acres); provision of memory care units; and the project meets Best Development Practices (BDPs) for HPCC2.19, AH1.16, WR5.6, TR2.16 and TR2.19. She said the subcommittee voted to recommend to the Commission approval of the proposed development with conditions.

Attorney Andrew Singer, representing the applicant, introduced the applicant, Sidney Insoft, and said the project team is present and available to answer questions. He referred to a photo plan showing the project site. He said the applicant has worked with the town on the plan, as well as the revised plan, and great care has gone into the design. He said as designed and conditioned, the proposal will be a win-win for the neighborhood and the community. He said the property is a 22.5-acre site and a total of 12.8 acres of open space is proposed to be protected which is 6% more than what is required and said that is a benefit. He said the development is clustered on the middle of the property and in the Camp driveway area 5+ acres is being set aside as conservation land and large buffers have been left on the east, west, and south. He said the cluster development conforms to the topography of the area and is environmentally sensitive development. He read an excerpt from a letter from the Brewster Town Administrator saying that MP Renaissance is a good utilization of the property, the project will bring a number of benefits to the community, provides a balanced year-round economy, choice care and amenities at an affordable price. Attorney Singer said it's the first deed restricted memory care facility. He the building itself is surrounded by woods and lighting will be low shielding residential lights. He

said the proposal meets all of the MPSs in the Regional Policy Plan and many Best Development Practices. Attorney Singer said he appreciates all the time and effort that has been put into the project.

Mary O'Brien said she has lived in Brewster for over 30 years and works at the Nauset Regional High School. She said she supports the project and the service it will provide and hopes it's approved by the Commission.

Louie McGeorge, business-owner in Brewster, said he supports the proposal. He said the project will provide jobs and a much needed service. He said he hopes the project is approved.

Tim Joyce said he has lived in Brewster since 1985 and taught at the Nauset Regional High School for 27 years. He said he echoes what has already been said and said he supports the proposed plan. He said his mother is suffering with early stage Alzheimer's disease and he is impressed with the memory care plan. He said we have an aging population and it would be wonderful to have this facility in Brewster.

Reverend Bonnie Goodwin said she has had 25 years of experience in the field of gerontology. She said she has worked in a nursing home and trained people on how to give quality care to the elderly. She said she supports the project. She said needs will increase and people will be looking for alternative choices. She said she has seen where people have "fallen between the cracks" because they either have too much money or not enough. She said it's great to have a facility such as this. She said the proposal is a win-win and it will provide service to Brewster and to the lower and outer Cape area. She said it will enhance what Cape Cod already has and it will provide families with more alternatives. She said she supports the project.

Margaret Holmes, Executive Director of Mayflower Place in Yarmouth and a resident of Brewster, said at Mayflower Place 45% of the residents have memory difficulties and said many do not have definitive diagnoses. She said this type of facility will provide meals, transportation and other benefits. She said one financial benefit is that it provides assistance in small increments so that residents can receive short term care as needed which makes it more affordable. She said a community setting allows support for couples to stay together by offering housing and a care facility in one place and said it's important to keep couples together to support each other. She said it will provide more choices to people on the lower Cape. She said she supports the project.

Greg O'Brien said he has lived in Brewster for 30 years. He said his grandfather died from dementia and his mother died three years ago from Alzheimer's. He said he has been diagnosed with early onset Alzheimer's. He said he knows Sidney Insoft and has met with him. Mr. O'Brien said he has been told by his doctor that he needs to begin looking at alternatives for himself. He said he supports the project.

James Rylander said he is speaking on behalf of his family, himself, and his family-owned business, the Sweetwater Campground and Farm. He said the property had been in his family for over 50 years. He said the proposed project will have damaging impacts on their home and their family-owned business as horses are bred and raised on the property. He said he applauds the applicant's vision but believes the project is in the wrong neighborhood. He said Sweetwater Farm is located in a quiet area and the noise from construction would have impacts on their horses' ability to conceive and give birth on their farm and that would significantly impact their business. He also expressed concern for impacts to the recreational experience as the campground has the reputation of being in a quiet area. He said for this reason he believes that MPS ED1.4 has not been met.

Attorney Dwayne Landreth, representing Sweetwater Campground and Farm, said the farm is 80 acres plus. He said the campground is a unique facility and the farm is separate and free standing. He said the subject property is no wider than 600 feet from the road and the proposed project is a use not allowed by right in a residential zone and said it's allowed by a special permit. He said the project could

be located to another site. He said the proposed construction will take two years to complete and said the Sweetwater Campground and Farm is in a quiet area. He said the Cape Cod Commission Act says the Commission is charged with the duty to protect agricultural and recreational areas and said MPS ED1.4 is not a balancing test. He said the Commission needs to determine if there are any impacts and said he believes the subcommittee ignored its duty to protect the area because the project is a benign use.

Joyce Lorman, healthcare professional, said she understands there may be some impacts with a project but the alternative could be a housing development being built there. She said we need to consider the alternative of what could go there or a long-term care facility that would benefit the Cape.

David Otis, retired pastor who has lived on the Cape for 25 years, said in his role he has visited many facilities and said he is aware of aging individuals needing assistance. He said we need facilities that are designed to meet the needs of people in need of this type of care. He said the project would create jobs, would provide revenue to the town, and has low impacts. He said patients need to have families close by and it's important to families to have a facility like this. He said he supports the project and urged approval of the project by the Commission.

Joy Caporello, resident of the Cape for 20 years and retired from Nauset Regional High School, said she knows about individuals with special needs and said there is a growing need for a facility providing services to families. She asked for approval of the project by the Commission.

John Rosengren, former professional baseball player, said he supports the project. He said he has a friend suffering from Alzheimer's. He said he hopes the project is approved.

Cathleen Creedon, resident of Orleans, said she worked as a fundraiser for healthcare and she got to know many families through her work. She said there is a real need for this facility and said the need is so great. She said she supports the project and hopes for a favorable vote.

Attorney Michael Ford, representing Epoch Senior Living, said they support one part of the proposal but they are not in favor of the other part. He said there is a need for memory care but there is not a need for assisted living. He said existing assisted living facilities around the area are suffering from vacancies. He said they can't fill rooms and the proposed project will impact those assisted living facilities. He said there is a need for memory care and downsizing the project would be a better fit for the neighborhood and it would protect agricultural and recreational areas. He said there is an answer here and he suggested to the subcommittee that they should give more weight to other assisted living facilities because they are hurting. He said he would ask that the project be sent back to the subcommittee so that they could look at that. He said the project is not a memory care facility it's an assisted living facility with memory care. He said the project also needs a variance for height and said why would the subcommittee approve a project that needs a variance against local zoning. He referred to Section 13(d) of the Commission Act and said he believes in a special permit but not in a variance. He complimented the subcommittee and said he was given numerous opportunities to speak.

Attorney Andrew Singer said he wanted to clarify a few comments that were just made. He said Mr. Landreth talked about noise from construction and said it would take 24 months to complete. He said the subcommittee ruled on six to nine months for exterior construction and 18 months for interior construction and said it was mitigated to limit those impacts to time of day and time of year. He said the applicant has requested a meeting with people at the Sweetwater Campground but they did not want to meet. He said the applicant is still willing to meet with them. He said the type of facility that is being proposed is a quiet facility. He said noise can be mitigated and they can work with neighbors and they continue to offer that. He said the horse farm produces noise as well from trucks and traffic going to and from the farm and said the project will have a short-term, temporary period of noise. He said the subcommittee did not ignore its duty and said they held several hearings and meetings. He said there

was a lot of give and take and the subcommittee did study impacts closely and said many times they did not always agree with the subcommittee. He referred to Exhibit A of the draft decision and said it includes 17 pages of submissions from interested parties. He said the project does provide a balance of economic development and protection of land. He said Ms. Holmes said 45% of people in assisted living facilities have memory care problems and MP Renaissance will allow people to have service in place. He said Epoch also has assisted living and skilled nursing. He said the project has the same transition from assisted living to memory care and said the project provides choice. He referred to Section 13(d) of the Act and said the applicant is seeking exactly what the Commission and the town approved for a competitor. He said a variance is not atypical for Brewster and said several years ago the Pleasant Bay Nursing Home was approved. He said that project went to the town of Brewster and was approved. He said the proposed project has received support from the town and what Mr. Ford said should not hinder the Commission's decision. He said the subcommittee did an admirable job on the decision that is before the Commission today.

Andrea Adams said she had no further comments and said technical staff is available to answer questions.

Len Short moved to close the hearing and the record. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

Joanne O'Keefe said Ms. Adams has given an articulate summary of the project. She said the work by the subcommittee is commendable and said an enormous amount of work had been done. She said the presentation today by Ms. Adams was excellent.

Len Short said he is curious about the 18 months versus 24 months for construction. He said he thought construction would be completed in 18 months and asked where the additional six months came from.

Attorney Andrew Singer said that came from Mr. Rylander and Attorney Landreth not the applicant.

Len Short asked Mr. Rylander how noise from construction would hurt the animals on the farm.

James Rylander said noise makes it difficult for the animal to conceive.

Len Short said he disagrees. He said he raised horses and they did very well.

Joy Brookshire said she is happy to hear of a memory care facility but she is sorry to hear that not all people could use this as they would need to save approximately two years of earnings. She expressed concern that it would become unaffordable as a patient's stay could be longer than three to five years. She said she knows of a facility that demands cash and then when the patient's savings go, the patient has to go. She asked what would happen in that situation and asked if patients would be able to go on Medicare. She said that is a real concern to her.

Roger Putnam said the basic point is that they are acting on supposition that Brewster will grant the variance. He said he would suggest that the Commission wait until a variance has been provided first before the Commission makes a decision on this.

Jessica Wielgus, Commission counsel, said the suggestion that Mr. Putnam makes has to be put in the context of the Commission Act. She said Section 12 of the Act provides that referral of a DRI to the Commission suspends the local municipal review of its permits until the Commission review process is completed. She said there is no ability for the Commission to wait and said the project review does not resume at the local level until the Commission makes a decision.

Sidney Insoft said he has been in this business for 48 years. He said the fee for assisted living is much less than the fee for memory care. He said they could have memory care patients stay as long as they want and pay assisted living fees. He said at Mayflower when people run out of money they can go on Medicare and said patients have paid their dues.

Joy Brookshire said to make it more affordable would they take Medicare.

Sidney Insoft said they will take them.

Chair John Harris said it's not the Commission's position to argue with the applicant. He thanked Mr. Insoft for his clarification.

Austin Knight moved to approve the MP Renaissance development as a DRI with conditions. Ernest Virgilio seconded the motion. The motion passed with a unanimous vote.

Austin Knight moved to approve the draft written decision for the MP Renaissance project as written. Jack McCormack seconded the motion. The motion passed with a unanimous vote.

■ OTHER BUSINESS

South Sandwich Village Draft Environmental Impact Report (DEIR) July 2, 2012 Minutes

Jessica Rempel, regulatory officer at the Commission, asked the subcommittee for the South Sandwich Village DEIR project for a motion to approve the minutes of July 2, 2012 public hearing.

Joanne O'Keefe moved to approve the minutes of July 2, 2012. Ernest Virgilio seconded the motion. The motion passed by a vote of the subcommittee.

A motion was made to adjourn at 5:00 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Richard Roy, Secretary

LIST OF DOCUMENTS PRESENTED AT THE AUGUST 2, 2012 COMMISSION MEETING

- Handout material: August 2, 2012 meeting agenda.
- Handout material: Draft written decision for the MP Renaissance project.
- Materials presented: PowerPoint slide presentation on the MP Renaissance project prepared by the Cape Cod Commission.