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Cape Cod Commission Staff Report Development of Regional Impact Review

DATE:	May 12, 2022
PROJECT:	CCH Cancer and Cardiology Expansion (Cape Cod Commission File No. 22003)
APPLICANT:	Cape Cod Hospital
PROPERTY/SITE:	27 Park Street Hyannis, MA 02601 Barnstable – Map 342 Parcel 039; Map 342 Parcel 001 Yarmouth – Map 28 Parcel 52.1
HEARING DATE:	May 16 at 5:00 p.m., Virtual Hearing
SUBCOMMITTEE:	Fred Chirigotis (Chair), Joyce Brookshire, Stephen Mealy, Dennis Prebensen, and Elizabeth Taylor

Project Description and Context

- The Applicant proposes redevelopment and expansion on the existing Cape Cod Hospital Campus at 27 Park Street in Hyannis (“Property” or “Site”), by adding four patient floors to the southwest corner of the existing hospital and making numerous site improvements to serve the Hospital including stormwater management and landscaping (“Project”). As proposed, the development would consist of:
 - Addition of 137,051 square feet of gross floor area consisting of:
 - a ground floor surgical expansion infill area that will connect the addition to the main hospital building;
 - a new cancer care center (comprising the first two floors of the addition);
 - a 32-bed cardiovascular/surgical floor space on the third floor;
 - a fourth floor which will initially be shell space available for an additional 32 beds or clinical areas; and
 - mechanical equipment on the rooftop in a screened penthouse
 - Infrastructure and site improvements, including without limitation: parking, storm-water management, and landscaping.

- Removal of 76,753 square feet of floor area on the campus, including Cape Cod Medical Center and the former Whitcomb Pavilion;
- Accounting for the floor area of both the demolished buildings and proposed redevelopment, the Project would result in a net increase of approximately 60,298 square feet of floor area on the campus.
- The Project is located on the Southwest corner of the existing Cape Cod Hospital Campus. The new addition is connected to the main hospital building by a ground floor infill area on the Northeast corner. The Western façade borders Lewis Bay Road and the Southern façade faces Willow Street. The Northern and Eastern sides of the new building face existing hospital structures.
- The Site is located within the “Community Activity Center” Placetype and an approved Growth Incentive Zone (GIZ). Community Activity Centers are areas with a concentration of business activity, community activity, and a compact built environment. Mixed commercial and residential uses make it possible to live and work within the same walking distance. Community Activity Center strategies include developing infrastructure necessary to support greater density and mix of uses, including access to transit.

DRI Jurisdiction

The Project requires mandatory Development of Regional Impact (DRI) review pursuant to Section 3 of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact (“Enabling Regulations”)* (revised November 2021) as a private health development involving “[d]emolition and replacement not resulting in a Change of Use that results in a net increase in Gross Floor Area greater than 10,000 square feet.”

The Downtown Hyannis Growth Incentive Zone (DHGIZ) Decision (CCC File No. 05034, April 19, 2018) provides that certain mandatory DRI thresholds included in Section 3 of the Commission's Enabling Regulation do not apply with respect to proposed developments within the DHGIZ. However, the DHGIZ also provides that, “modification or revision to mandatory DRI review thresholds approved and recited hereunder shall not apply to proposed additions, expansion or alterations to Cape Cod Hospital, which is located in the DHGIZ.” Therefore, the Project is subject to mandatory DRI review under the Enabling Regulations, notwithstanding its location within DHGIZ.

The Applicant submitted a DRI application to the Commission on January 20, 2022. The hearing period was opened procedurally on May 2, 2022.

DRI Review Standards

- Section 13(d) of the Cape Cod Commission Act and Section 6(c)(viii) of the Commission's *Enabling Regulations* contains the standards of review for DRI approval, which include, as applicable, consistency with the Cape Cod Commission Act, and its Regional Policy Plan, consistency with municipal development bylaws, or, if it inconsistent, the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or

balanced economic growth, if within a District of Critical Planning Concern (DCPC), its implementing regulations, and if Commission-certified, the town's Local Comprehensive Plan. The Commission must also find that the probable benefit from the Project is greater than the probable detriment.

- DRI review of the Project is subject to the 2018 RPP, amended in March 2021, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission determines the Project's consistency with the 2018 RPP by determining whether the Project is consistent with the Goals and Objectives in Section 6 of the 2018 RPP, as particular goals and objectives are deemed applicable and material to the Project.

Cape Cod Regional Policy Plan

Applicable and Material RPP Goals and Objectives

Commission staff reviewed the details of the DRI Application Materials and suggest that the following RPP Goals are applicable, material, and regionally significant and are thus subject to RPP consistency review: Water Resources, Coastal Resiliency, Transportation, Community Design, Energy, Cultural Heritage, Economy, and Climate Mitigation. Commission staff make the following recommendations relative to the Project's consistency with these RPP Goals and relevant Objectives and Technical Bulletin guidance:

Water Resources

The Water Resources Goal of the RPP is to *maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources.*

The following Objectives are applicable and material to the Project:

- **WR1**—protect and preserve groundwater quality
- **WR3**—protect, preserve, and restore marine water resources
- **WR4**—manage and treat stormwater to protect and preserve water quality
- The Project is not located in a Fresh Water Recharge Area or Wellhead Protection Area.
- The existing Cape Cod Hospital facilities are connected to the municipal sewer system. The Project as proposed does not require additional wastewater treatment capacity or result in wastewater discharge on site.
- Nitrogen loading from the Project will be generated only by stormwater runoff from the impervious areas and fertilizer applied to managed turf areas. The hospital addition will increase roof area to 35,773 sf. Paved and managed turf areas will decrease by 17,642 sf and 18,131 sf, respectively.
- Site-wide nitrogen loading is currently well below the 5-ppm threshold as required to protect and preserve groundwater quality under Objective WR1, and net decreases in turf

and paved areas will further decrease sitewide nitrogen loading to groundwater resources, consistent with **WR1**.

- The Project is in the Marine Water Recharge Area (MWRA) for Lewis Bay, which is considered nitrogen impaired.
- The Project reduces on-site nitrogen contributions from stormwater runoff and fertilizer by approximately 6 kg annually compared to current conditions, decreasing the overall nitrogen load to Lewis Bay, consistent with **WR3**.
- To be consistent with Objective WR4, redevelopment projects should reduce impervious coverage and improve site conditions to enhance stormwater treatment over existing conditions. To be consistent with Objective WR4, DRIs in Community Activity Centers are encouraged to prioritize inclusion of green space to provide treatment and infiltration capacity.
- The Applicant has proposed several methods of stormwater management including direct infiltration of runoff from new roof areas, bioretention islands to treat parking area runoff, and subsurface leaching facilities throughout the parking area. The stormwater system is designed to manage on-site runoff and infiltration from a 100-year storm event and adds new bioretention capacity to provide water quality treatment for a portion of the redevelopment area (**WR4**).

Coastal Resiliency

The Coastal Resiliency Goal of the RPP is to *prevent or minimize human suffering and loss of life, and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise.*

The following Objectives are applicable and material to the Project:

- **CR1**—minimize development in the floodplain
- **CR2**—plan for sea level rise, erosion, and floods
- **CR3**—reduce vulnerability of built environment to coastal hazards
- Redevelopment in the floodplain may occur where the applicant has shown there is no feasible alternative and where all impacts are minimized and mitigated.
- Applicant's site plans indicate no new development proposed within the Federal Emergency Management Agency (FEMA) flood zone V. Redevelopment of the site will remove existing structures from flood zone X (500-year floodplain). New structures will be outside of flood zone X and A (100-year floodplain). Only vehicle parking sits within flood zone A. Staff suggests that the applicant has fulfilled the requirements of the redevelopment method consistent with Objective **CR1**.
- To be consistent with Objective CR2, the Project should be designed to accommodate sea level rise. To be consistent with Objective CR3, the Project should remove existing development in coastal resource areas.

- The Project will introduce fill to raise the building well above the 100-year base flood elevation. The two buildings closest to the coast with basements currently vulnerable to flooding will be removed, and their uses relocated to the main hospital building. All new mechanical systems will be sited near or above the first floor of the new building. The addition is designed to withstand high winds and debris impact with impact-resistant glazing and materials. The Project will reduce the vulnerability of the existing development to sea level rise and flooding, consistent with Objectives **CR2** and **CR3**.

Transportation

The Transportation Goal of the RPP is *to provide and promote a safe, reliable, and multi-modal transportation system.*

The following Objectives are applicable and material to the Project:

- **TR1**—improve safety and eliminate hazards for all users of Cape Cod’s transportation system
- **TR2**—provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users
- **TR3**—provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people
- To be consistent with Objective TR1, DRIs must provide an appropriate Transportation Impact Assessment (TIA), provide safe pedestrian connections throughout the site and to adjacent sites, and present and detailed analysis of off-site safety impacts of the development at Study Area locations and implement improvements.
- The transportation-related materials submitted by Applicant were prepared in a professional manner and follow industry standard practices related to the study area, data collection, crash analysis, trip generation, and capacity analysis, consistent with **TR1**.
- Applicant has proposed both on-site and off-site mitigation measures to improve safety (**TR1**), promote healthy transportation (**TR2**), and reduce congestion (**TR3**), consistent with RPP technical bulletin guidance.
- Proposed mitigation measures include:
 - Pedestrian, bicyclist, and vehicle safety improvements at three intersections: Main Street at Lewis Bay Road/Camp Street; Main Street at Center Street/Old Colony Road, and South Street at Ocean Street/Old Colony Road
 - Support the pedestrian improvements on Bayview Street
 - Transportation Demand Management (TDM) Program enhancements: designated physical and digital TDM posting areas, bicycle racks on building exterior, employee incentives for TDM participation, carpool spaces, and electric vehicle (EV) charging stations.

Community Design

The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context.*

The following Objectives are applicable and material to the Project:

- **CD1**—promote context sensitive building and site design
- **CD2**—minimize the amount of newly disturbed land and impervious surfaces
- Consistency with Objective CD1 can be achieved through the use of regionally appropriate forms and materials, following regional and local scale of development, and providing appropriate landscaping. Specifically in Community Activity Centers, redevelopment is encouraged.
- The Project site is surrounded by a variety of development types including residential homes, multi-story apartment buildings, commercial structures, and the multi-story Mugar wing of the hospital campus.
- The proposed structure is consistent with the scale of existing hospital buildings and nearby multi-family residential buildings and is set back from the edge of the hospital property to allow the smaller Gleason House to remain prominent at the street edge. The proposed structure is also oriented so its narrower east and west facades face the smaller scale residential developments to the east and further west along South Street. Varied façade treatments and step-backs at the ground level and second floor visually break up the large building mass into smaller elements, consistent with **CD1**.
- The proposed building is a large rectangular structure with a contemporary design, sited within the existing Cape Cod Hospital campus. The building is four stories tall with a screened equipment area on the flat roof of the fourth floor. Each floor has different exterior materials, colors, and window arrangement, creating variation across the building facades. A stair tower steps forward from the west-facing façade, providing visible variety in building form.
- The building is contemporary in design, and the primary exterior materials are modern metal panels and glass, but the color palette consists of whites, grays, and beige tones that reference traditional painted clapboards of the adjacent Gleason House, and weathered shingles found throughout Cape Cod. The building is outside the boundaries of the Hyannis Main Street Waterfront Historic District and proximate to other structures of similar scale and contemporary form so its modern design is consistent with **CD1**.
- The project proposes landscaping that provides pedestrian amenities within the project site, particularly along a sidewalk on the east face of the building and in a new pedestrian park, as well as landscape plantings within the parking area to provide green space between areas of asphalt, and along Lewis Bay Road to help define the street edge, consistent with **CD1**.
- Consistency with Objective CD2 can be achieved through the reuse and redevelopment of existing buildings, structures, and sites. In Community Activity Centers, multistory development and minimized parking through design is encouraged.

- The Project replaces existing buildings on an already developed site, thereby minimizing the amount of newly disturbed land. The new building uses less ground space than existing structures, and landscaping elements are distributed throughout the parking areas. The net effect of the redevelopment is to reduce the total paved and impervious surfaces on the hospital campus, consistent with **CD2**.

Energy

The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod.*

The following Objectives are applicable and material to the Project:

- **EN1**—Support renewable energy development that is context-sensitive
- **EN2**—Increase resiliency of energy generation and delivery
- **EN3**—Minimize energy consumption through planning and design
- To be consistent with Objective EN1, DRIs may enter into a “green” power purchase agreement or incorporate on site renewable energy generation or use.
- The Applicant has power purchase agreements at five off-Cape solar installations, generating 8.76MW of power, as well as two pending agreements to secure an additional 7MW of renewable energy, consistent with **EN1**.
- To be consistent with Objective EN2, DRIs may protect infrastructure by locating utilities underground or manage for peak demand and power outages by incorporating energy storage technology.
- The Project will increase its energy resiliency by locating utilities underground and through upgrades to the Hospital’s fuel oil tanks. A new energy generator plant, located above flood level, will allow for multiple methods of emergency power generation. These methods evidence consistency with **EN2**.
- To be consistent with Objective EN3, DRIs may be designed to earn LEED certification and/or incorporate other energy efficiency and conservation measures.
- The Project is designed to meet LEED Silver certification and includes an efficient building envelope design, energy efficient lighting and mechanical equipment, electric vehicle charging stations, and shaded parking areas, consistent with **EN3**. The Applicant proposes to track building energy performance using the Energy Star Benchmarking Tool.

Cultural Heritage

The Cultural Heritage Goal of the RPP is *to protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod.*

The following Objective is applicable and material to the Project:

- **CH1**—protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods
- To be consistent with Objective CH1, DRIs in Community Activity Centers should preserve historic resources and allow appropriate alteration or expansion that is consistent with the character of the historic resource.
- The Applicant plans to preserve the Gleason House, an inventoried historic property on the Project Site which has been incorporated into the administrative operations of the hospital, consistent with **CH1**.
- The Project is located one block away from the Hyannis Main Street Waterfront Historic District and the National Register Historic District that overlaps the local historic district. The new structure will be screened from the historic neighborhoods by other structures, thereby protecting and preserving historic resources, consistent with **CH1**.

Based upon the information received to date, Objective CH2 (Protect and preserve archaeological resources and assets from alteration or relocation) does not appear to be applicable and material to the project. The Project is located on a previously disturbed site and staff does not anticipate concerns about archaeological sensitivity. Applicant filed a Project Notification Form with the Massachusetts Historical Commission (MHC) on January 21, 2022, and on February 24, 2022, MHC issued a determination that the Project is unlikely to affect significant historic or archaeological resources. This objective should be reviewed further should additional information become available during this review regarding its applicability and materiality.

Economy

The Economy Goal of the RPP is *to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce.*

The following Objectives are applicable and material to the Project:

- **EC1**—protect and build on the Cape’s competitive advantages
- **EC2**—use resources and infrastructure efficiently
- **EC4**—encourage industries that provide living wage jobs to a diverse workforce
- While healthcare already makes up a significant portion of the region’s economy, it is a critical component of the region's economy and the wellbeing of its residents, and its presence attracts other businesses/service providers to the region. The Project will enable the Hospital to continue to recruit providers, improve its technology and infrastructure to allow for an expansion of care. Based on the Application Materials, the demand for oncology services on Cape Cod is increasing, but the existing oncology space at CCH has constrained program development. The proposed Cancer Center will increase treatment

capacity from 19 patient bays to 36 patient bays, with potential to expand further, if needed.

- Methods for consistency with Objective EC1 focus on development design that protects and preserves regional assets and sensitive areas. Specifically in Community Activity Centers, businesses that provide local services for both residents and visitors are encouraged.
- The Project is redevelopment located at the existing Cape Cod Hospital which is located within the Hyannis Growth Incentive Zone and within a designated Community Activity Center. The Applicant plans to preserve the historic structure known as the Gleason House, an inventoried historic property on the Project Site which has been incorporated into the administrative operations of the hospital. Consistent with the Placetype emphasis, the Project also provides services to residents and visitors and will provide support for improvements to the surrounding pedestrian infrastructure, consistent with EC1.
- Consistency with Objective EC2 can be achieved through methods such as reuse or redevelopment of existing structures, sharing infrastructure with neighboring developments, locating utilities underground, and increasing public transportation accessibility to the Site.
- This Project is a redevelopment of an existing site. The Project also shares infrastructure with proximate developments and proposes to locate new utilities underground, including water, sewer, natural gas, telephone, cable TV, fiber optic communication, oxygen lines and electric service. The Project has also expanded the water main in the public right of way of, which will enhance water flow and pressure for the neighbors south of the hospital. This will improve water quality for abutting homes and will improve fire flow for several large buildings at Hyannis Marina. The Project is located in an area served by public transportation, consistent with EC2.
- Consistency with Objective EC4 may be achieved through methods such as creating year-round jobs, offering employees opportunities for career advancement, providing sick, vacation, medical, and disability benefits, providing affordable housing, and/or paying higher wages relative to the region as a whole.
- Cape Cod Healthcare is the region's largest employer, with 5,600 people employed throughout the system, including approximately 2,600 people employed at Cape Cod Hospital. The Project is anticipated to result in the addition of 15 new jobs at Cape Cod Hospital, together with 250-300 construction related jobs over the duration of the project. The new jobs at Cape Cod Hospital will include registered nurses and aides, facilities/environmental/engineering, security, food service, housekeeping, and other

support staff. The median annual wage at CCHC, excluding physicians, is \$84,000. The 2020 Median Household Income for Barnstable County is \$76,683.¹

Climate Mitigation

The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050.*

The following Objectives are applicable and material to the Project:

- **CM1**—promote low or no carbon transportation alternatives and technologies
 - **CM2**—promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling (HVAC) systems
 - **CM4**—Promote low or no carbon energy generation technologies as appropriate to context
- Development in Community Activity Centers has many land use co-benefits, including with respect to climate change mitigation: denser, more walkable development in CACs involves more compact development patterns and efficient buildings, fewer vehicle miles traveled (and thus fewer GHG emissions).
 - The Project incorporates EV charging stations within parking facilities, consistent with **CM1**.
 - The Project includes deep retrofits of HVAC systems, is designed to meet LEED Silver certification, and includes an efficient building envelope design, energy efficient lighting and mechanical equipment, consistent with **CM2**. The Applicant proposes to track building energy performance using the Energy Star Benchmarking Tool.
 - The Project commits to purchase of renewable energy, consistent with **CM4**. Specifically, the Applicant has power purchase agreements at five off-Cape solar installations, generating 8.76MW of power, as well as two pending agreements to secure an additional 7MW of renewable energy.

Other DRI Standards of Review

Consistency with Municipal Development Ordinances

The proposed Project is located almost entirely in Barnstable, with minor parking lot impacts in Yarmouth. Located in the Medical Services zoning district, zoning relief from the Barnstable Planning Board may be necessary for the expansion of a pre-existing non-conforming structure.

¹ U.S. Census Bureau (2020). Median Income by Types of Families in Barnstable County, *2020 American Community Survey 5-Year Estimates*. Retrieved from <https://data.census.gov/cedsci/profile?g=0500000US25001>.

While the impacts in the Town of Yarmouth will not require local permitting, the parking areas and road networks within Yarmouth border the Hospital, and Commission staff note that Yarmouth Town Planner submitted a comment letter relative to these issues.

Consistency with Barnstable's Local Comprehensive Plan

The redevelopment proposed by the Cape Cod Hospital at is generally consistent with land use strategies found within Barnstable's 2010 Local Comprehensive Plan, which seeks to encourage healthcare providers to locate offices and services within the designated medical services districts in Downtown Hyannis. The Project's location takes advantage of existing infrastructure in Downtown Hyannis and will represent improvement in the property and the availability of healthcare services within the region. The proposal also represents an investment Barnstable's year-round economy, consistent with the Town's identified economic development objectives. The proposal will create new jobs in Hyannis' downtown core, proximate to the Main Street's commercial corridor.