

July 1, 2021

**VIA EMAIL AND HAND DELIVERY**

Jeffrey Ribeiro, Regulatory Planner II  
Cape Cod Commission  
3225 Main Street, P.O. Box 226  
Barnstable, Massachusetts 02630  
Tel: (508) 362-3828  
Email: Jeffrey.ribeiro@capecodcommission.org

RE: Application for Major Modification of Development Agreement (#DA-02014)

Dear Jeffrey,

This application for a request to amend and restate an existing Development Agreement includes: i) a brief background of the subject property, the permitting/Cape Cod Commission (the "Commission") review history to date, and a brief restatement of the project proposal; ii) a general description of the proposed amendments to the Development Agreement; and iii) all supporting application materials and attachments. Under separate cover, we will provide an annotated draft of the proposed Amended and Restated Development Agreement.

**Background:**

As you know, Cape Cod Hospital is the current owner of approximately 40 acres of land located at 35 Wilkens Lane in Hyannis, Massachusetts (the "Property", described more particularly in Exhibit B attached hereto). The Property is subject to the terms of a Development Agreement between Cape Cod Healthcare, Inc., (the "Hospital") and the Commission, dated as of March 20, 2003 and recorded with the Barnstable County Registry of Deeds in Book 18163, Page 125 (as amended or modified, the "Development Agreement"). Under the terms of the Development Agreement, the Commission approved the development of an approximately 263,000 SF outpatient medical complex at the Property, to be constructed in phases (the "Approved Project").

As discussed in more detail below, the Hospital has constructed a portion of the approved development, which the Hospital operates as the Wilkens Outpatient Medical Complex. While the Hospital remains committed to expanding its medical facilities and services in Hyannis, such expansion will largely be focused on the Hospital's main Park Street campus in Hyannis, in light of regulatory and other considerations. Notwithstanding its focus on the main campus, the Hospital plans to construct an additional phase, similar in size to the existing development, on the Property. In that this additional phase will only occupy only a portion of the Property, the

Hospital decided that the best course was to divide the Property into multiple parcels to allow for additional complimentary uses on the Property and provide critical funding for the Hospital. Attached hereto as Exhibit O-I is the proposed ANR Plan which shows the division of the Property to create Lot 1, which will be retained by the Hospital, with the remainder of the Property to become Lot 2, which will be developed as part of the Proposed Project. A further division of Lot 2 is also contemplated based on the final lot line between the residential and future development parcels, as shown on the current conceptual division shown on Exhibit O-II attached hereto.

### **Commission Review History:**

On August 7, 2020, the Applicant (defined below) submitted an application to the Commission for a Notice of Intent to Amend and Restate a Development Agreement (the “NOI Application”). After review, on August 30, 2020, the Committee on Planning and Regulation (the “CPR”) issued a “Staff Report” to the Commission in which they stated that “Staff’s opinion is that an NOI process is necessary and proper in this case given the substantial changes to the development contemplated under the existing Development Agreement versus the proposal, though the scope of the proposed changes are within the scope of the existing Development Agreement and do not necessarily represent a “new” project.”

On September 3, 2020, the CPR held a meeting to review the NOI Application. On September 16, 2020, the CPR issued a revised “Staff Report”, in which they voted to recommend to the Commission that the proposed, amended development described in the NOI Application is appropriate and eligible to be treated as a Major Modification to the Development Agreement.

On October 1, 2020, the Commission held a noticed public hearing to consider the NOI Application. On October 1, 2020, the Commission issued a decision with respect to the NOI Application finding that the proposed amended development described in the NOI Application meets the criteria under Section 5 of the Commission Development Agreement Regulations and is eligible and suitable for a modification to the Development Agreement. The decision authorized the Applicant (defined below) to proceed with applying for a Major Modification of the Development Agreement within one (1) year of the date thereof (with certain limited extension options).

### **Project Proposal:**

As described in the NOI Application, the Hospital has entered into an agreement with New England Development (“NED”, together with the Hospital, the “Applicant”) whereby NED would acquire and develop, in phases, the remaining approximately 32-acre area of land located at the Property (the “Project Site”) with residential and commercial uses. The Hospital will retain ownership and operation of the contiguous portion of land which contains the existing Wilkens Outpatient Medical Complex as well as sufficient acreage to accommodate future expansion on the Lot 1 (the “Hospital Parcel”). This arrangement will allow the Hospital to expand its existing

facility at the Property and provide capital necessary to support its other expansion plans and ongoing operations.

Attached hereto as Exhibit G is the Applicant's Preliminary Site Plan which shows plans to develop an active mixed-use site consisting of medical and residential uses, which will be followed by future, yet to be determined, phases of development. The Hospital proposes to expand its ambulatory medical facilities, while NED will develop the Project Site with multi-family rental housing (including affordable housing), with two outparcels reserved for future development (collectively, the "Proposed Project").

**Narrative Description of Proposed Amendments to Development Agreement:**

In connection with the Proposed Project, the Applicant proposes to amend and restate the existing Development Agreement to primarily achieve three (3) objectives: (1) redefine the Approved Project to reflect the medical, residential uses and future phases of development as described above; (2) account for the design, buildout and dimensional changes as a result thereof; and (3) to address and restate any previously satisfied and/or outstanding mitigation obligations under the Development Agreement. Under separate cover, the Applicant will provide an annotated draft of the proposed Amended and Restated Development Agreement.

**Application Materials (Section 5(c) of Chapter D, Development Agreement Regulations):**

In support of the request to amend and restate the Development Agreement, the Applicant respectfully submits the enclosed application materials. Each of the application requirements listed in Section 5(c) of the of the Development Agreement Regulations pertaining to the submission an application for Development Agreement are addressed as follows:

- i. Development Agreement application form: the completed application form is attached hereto as Exhibit A.
- ii. Legal description and survey: the attached legal description and recent survey (which also display ownership information) is attached hereto as Exhibit B.
- iii. Proposed duration of the agreement: the Applicant intends to maintain the term of the Development Agreement, which is currently through March 20, 2027.
- iv. List of permitted and proposed development uses, density and heights: under the existing Development Agreement and zoning, medical, industrial, business and affiliate commercial uses are allowed. NED is seeking a zoning amendment to allow retail, restaurant and multi-family residential uses at the Project Site. FAR and height are anticipated to increase from .15 and 30 feet, respectively, as allowed under the Development Agreement, to .26 and up to 55 feet, respectively.

- v. Description of public capital and private infrastructure facilities serving the development: Exhibit C attached hereto is a list of these facilities.
- vi. Description of any reservation or dedication of land and waters for public purposes: Exhibit D attached hereto describes land dedicated to public purposes.
- vii. Description of all local development permits anticipated for the Proposed Project: Exhibit E attached hereto contains a list of anticipated development permits.
- viii. Acknowledgement statement regarding permits and legal requirements: The Applicant hereby acknowledges, by submission of this application, that failure of the Agreement to address a particular permit condition, term or restriction shall not relieve compliance with other legal requirements.
- ix. Final Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification form dated March 25, 2002 attached hereto as Exhibit F.
- x. Additional data: the additional information is provided for reference in reviewing this application:
  - A Preliminary Site Plan is attached hereto as Exhibit G.
  - Correspondence from the Town of Barnstable in support of the Proposed Project and the Applicant's request to amend the existing Development Agreement is attached hereto as Exhibit H.
  - A letter of support from Cape Cod Hospital outlining their commitment to, and support of, the Proposed Project and amending the existing Development Agreement is attached hereto as Exhibit I.
  - A Fiscal Impact Report summarizing key financial metrics associated with the Proposed Project is attached hereto as Exhibit J.
  - A summary of approach to traffic review is attached hereto as Exhibit K.
  - In connection with the proposed multi-family portion of the Proposed Project, attached are the following materials:
    - Plan Set, including Site and Architectural Reports (under separate cover)
    - Stormwater Report (under separate cover)
    - Affordability Narrative, attached hereto as Exhibit L
    - Sustainability Narrative, attached hereto as Exhibit M
    - Design Guidelines, attached hereto as Exhibit N
  - A proposed ANR Plan to create two parcels as Lots 1 and Lots 2, attached hereto as Exhibit O-I.
  - A conceptual plan showing the anticipated further division of Lot 2, attached hereto as Exhibit O-II.

As noted above, on October 1, 2020, the Commission approved the Applicant's NOI Application and determined that the Proposed Project satisfied the criteria for eligibility to proceed as a Development Agreement, as set forth in Section 5(a) of the Chapter D Development Agreement Regulations.

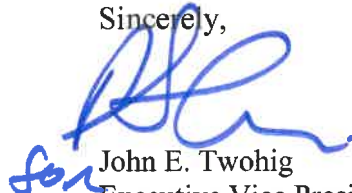
**Conclusion:**

The Applicant respectfully requests that the Commission approve the amendment and restatement of the existing Development Agreement for the Property as summarized above and detailed in full in the draft Amended and Restated Development Agreement to be submitted under separate cover. In furtherance thereof, the Applicant respectfully submits the enclosed application materials in connection with this application.

If you need any additional information or materials during the course of review, please do not hesitate to contact us.

We look forward to reviewing these materials in further detail with the Commission.

Sincerely,



John E. Twohig  
Executive Vice President

Enclosures

cc: Elizabeth Jenkins  
Michael Ford, Esq.  
Timothy Sullivan, Esq.  
Eliza Cox, Esq.

**EXHIBIT A**

**Development Agreement Application Form**

[See attached]



CAPE COD  
COMMISSION

# Application Cover Sheet

**Cape Cod Commission**  
3225 Main Street, PO Box 226  
Barnstable, MA 02630  
Tel: (508) 362-3828 • Fax: (508) 362-3136

For Commission Use Only

Date Received:  
Fee (\$):  
Check No:  
File No:

## A Type of Application (check all that apply)

- ☒ Development Agreement ☐ Two-Party Agreement ☐ Three-Party Agreement  
☐ Notice of Intent ☒ Modification

## B Project Information

Project Name: \_\_\_\_\_ Total Land Area Subject to \_\_\_\_\_  
Requested Participating Parties: Cape Cod Hospital, New England Development LLC, CCC  
Development Agreement: Approximately 40 acres  
Project/Property Location: 35 Wilkens Lane, Hyannis, MA  
Brief Project Description:  
Include total square footage of proposed and existing development, gross floor area, number of lots existing or to be created, specific uses, description of existing and conditions, as applicable (attach additional sheets if necessary).  
Please see the attached cover letter.

Existing zoning of the site and any proposed zoning amendments required by the Development Agreement: The site is located entirely within the Industrial District, with a small portion of a corner of the site located in the Residential G District. The entire site is also located within the Medical Services Overlay District (MSOD). The Applicants propose to amend and restate the existing Development Agreement and are also seeking an amendment to the MSOD.

List the local, state, or federal agencies from which permits or other actions have been/will be filed: Town of Barnstable, Barnstable Water District, Barnstable Town Council, Cape Cod Commission, MassDOT Aeronautics, Federal Aviation Administration

Proposed duration of the Development Agreement: \_\_\_\_\_  
The existing Development Agreement is set to expire March 20, 2027. We anticipate maintaining the existing timeline for the Proposed Project.

## C Owner(s) of Record

List the following information for all involved parcels. Provide copies of each Deed and Purchase and Sale Agreement and/or evidence of leasehold interest, if applicable, for all involved parcels. Proof of ownership/legal rights for Applicant(s) to proceed with the proposed development must be documented prior to the Commission deeming any application complete (attach additional sheets if necessary).

Map/Parcel	Owner's Name	Lot & Plan	Land Court Certificate of Title #	Registry of Deeds Book/Page #
295/004001	Cape Cod Hospital	Lot 4, Plan Book 547, Pg. 1		Book 18163, Pg. 147
296/039	Cape Cod Hospital	Lots A and C, Plan Book 588, Pg. 40		Book 18163, Pg. 147

There **ARE/ARE NOT** (circle one) court claims, pending or completed, involving this property (if yes, please attach relevant information).

Is there an existing CCC Decision for the Property? ☒ yes ☐ no (if so, recording information for decision, please attach relevant information).

## D Certification

I hereby certify that all information provided on this application form and in the required attachments is true and accurate to the best of my knowledge. I agree to notify the Cape Cod Commission of any changes on the information provided in this application, in writing, as soon as is practicable.

QUALIFIED APPLICANT	Name: <u>NEW ENGLAND DEVELOPMENT</u>	Tel: <u>617-965-8700</u>	Fax: _____
	Address: <u>75 PARK PLAZA, BOSTON MA 02116</u>		
	Signature: BY: <u><i>John E. Twohig</i></u>	Date: <u>7.1.21</u>	
QUALIFIED APPLICANT	Name: _____	Tel: _____	Fax: _____
	Address: _____		
	Signature: _____	Date: _____	

**EXHIBIT B**

**Legal Description and Survey**

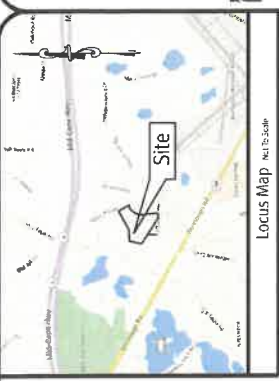
Lot 4 shown on the plan entitled "DEFINITIVE SUBDIVISION PLAN IN BARNSTABLE MASSACHUSETTS FOR CAPE COD AGGREGATES", prepared by Levy, Eldredge & Wagner Associates, Inc., dated October 9, 1998, recorded with the Barnstable County Registry of Deeds in Plan Book 547, Page 1 (the "1998 Definitive Plan"); and

Lot A and Lot C shown on the plan entitled "PLAN OF LAND LOCATED IN BARNSTABLE, MA PREPARED FOR CAPE COD AGGREGATES CORP.", prepared by Down Cape Engineering, Inc., dated July 2, 2003, recorded with said Deeds in Plan Book 588, Page 40 (the "2003 ANR Plan").

Being the same premises conveyed by Quitclaim Deed of Cape Cod Aggregates Corp. to Cape Cod Hospital, dated January 26, 2004, recorded herewith.

[See also attached Survey]





**Utility Notes**

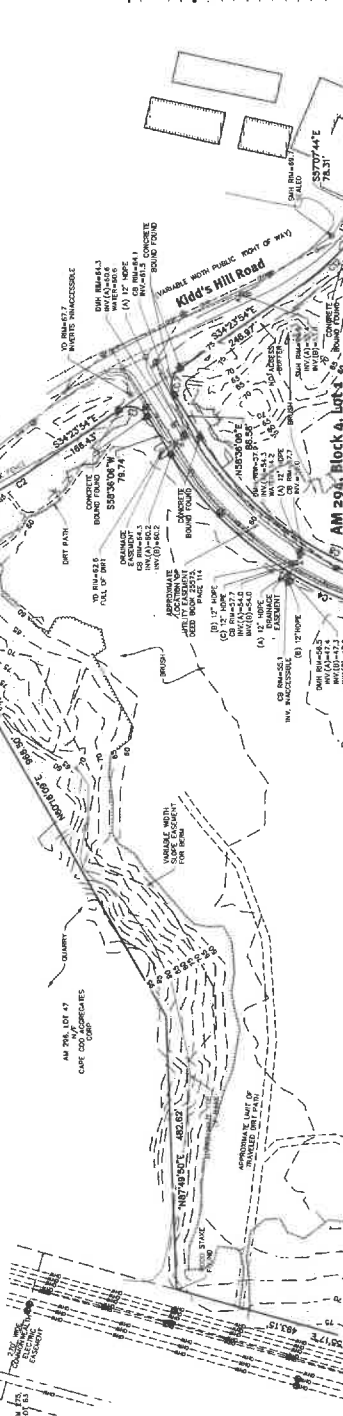
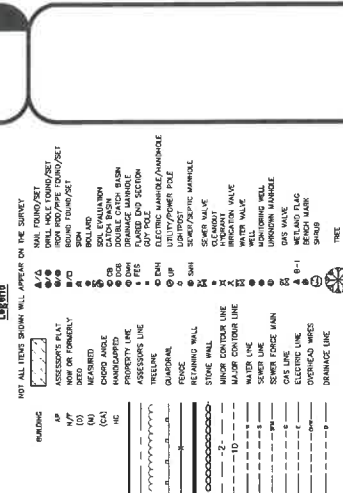
1. ALL UTILITIES SHOWN ON THIS MAP ARE BASED ON THE MOST RECENT AVAILABLE RECORDS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES.
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4. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES.

**Plan References:**

1. PLAN OF LAND PREPARED FOR CAPE COD AGGREGATES CORP. IN BARNSTABLE, MASSACHUSETTS, MA. SCALE 1"=400'. DATED JUNE 1, 2000. PLAN BY THOMAS & ASSOCIATES, INC.
2. 1974 PLAN BY THOMAS & ASSOCIATES, INC. SCALE 1"=400'. DATED OCTOBER 21, 1974.
3. PLAN OF LAND IN BARNSTABLE, MASSACHUSETTS, MA. SCALE 1"=400'. DATED AUGUST 7, 1974. PLAN BY THOMAS & ASSOCIATES, INC.
4. PLAN OF LAND IN BARNSTABLE, MASSACHUSETTS, MA. SCALE 1"=400'. DATED JULY 2, 2003. PLAN BY THOMAS & ASSOCIATES, INC.
5. SUBDIVISION MAP OF LAND IN BARNSTABLE, MASSACHUSETTS, MA. SCALE 1"=400'. DATED JULY 2, 2003. PLAN BY THOMAS & ASSOCIATES, INC.
6. THE TOWN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES.

**General Notes**

1. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES.
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5. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE GROUND AND HAS FOUND NO DISCREPANCIES.

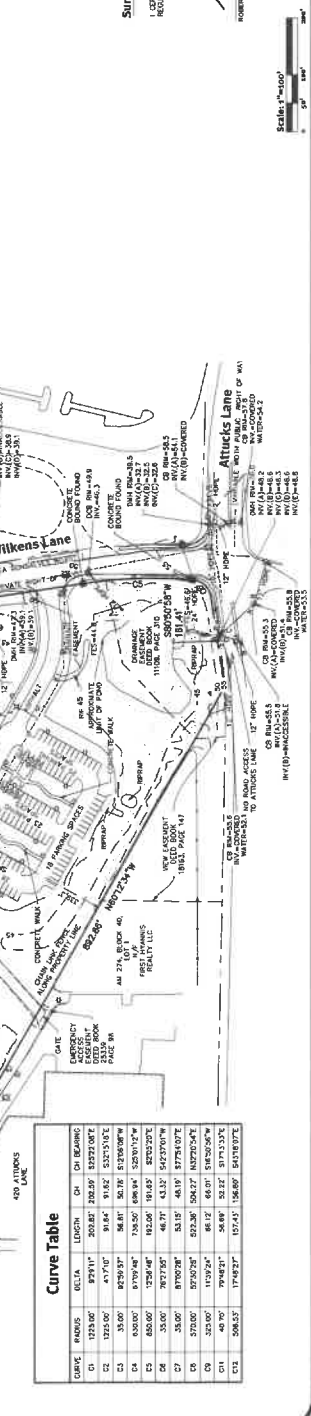
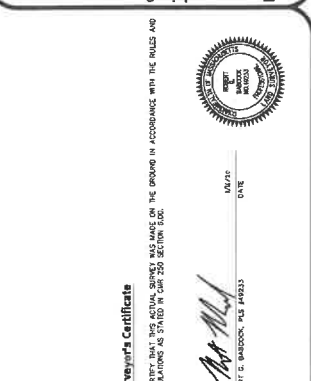
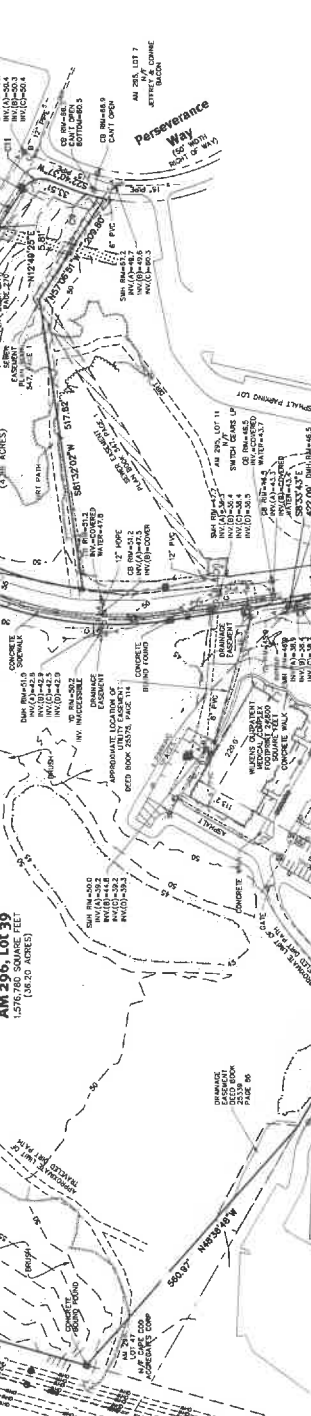


**Surveyor's Certificate**

I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE RULES AND REGULATIONS AS STATED IN CAP 290 SECTION 80D.

ROBERT S. SHADDOCK, REG. #49233

DATE: \_\_\_\_\_



**Schedule B Exceptions:**

- ### Legend

- General Notes

- MULTA/NSPS Land Title Survey Notes

- THERE WAS NO EVIDENCE OF RECENT SUBTLE OR SIDEWALK CONSTRUCTION OR REPAIRS CONCERNING AT THE TIME OF THE FIELD SURVEY.

- CERTAIN PARTS OF LAND IN THE

- COMP., PREPARED BY DOWN CAPTE. ENGINEERING, INC., DATED JULY 2, 2003, RECORDED WITH SAID REGISTRY OF DEEDS IN PLAN BOOK 586, PAGE 40 (THE "2003 ANR PLAN").

- 1000

- BY THESE ENVIRONMENTAL PROCEEDINGS, THE COURT REQUESTS
- THAT THE COURT ORDER THE DEFENDANT TO
- REPAIR THE DAMAGE TO THE ENVIRONMENT
- AND TO PAY THE COSTS OF THE PROCEEDINGS.

- THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE

- CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE RULES AND REGULATIONS AS STATED IN OUR 250 SECTION 6.00.

- | DATE                          |
|-------------------------------|
| ROBERT G. BARDOCK, PLS #49235 |

Angle	Radius	Delta	Length	Ch	Ch Bearing
01	1225.00'	93°01'	738.50'	202.94'	S 27°32'00"E
02	1225.00'	47°00'	591.64'	91.50'	S 61°00'00"E
03	830.00'	93°00'	738.50'	738.50'	S 00°00'00"E
04	830.00'	175°48'	182.00'	806.94'	S 03°10'12"E
05	830.00'	70°25'	467.31'	43.19'	S 79°40'00"E
06	33.00'	90°00'	33.00'	33.00'	S 00°00'00"E
07	33.00'	27°30'	523.50'	50.37'	N 62°00'54"E
08	325.00'	90°00'	325.00'	66.12'	S 00°00'00"E
09	325.00'	113°04'	66.12'	66.01'	S 66°00'00"E
10	325.00'	39°02'	546.49'	92.32'	S 73°33'15"E
11	506.33'	176°02'	132.61'	106.86'	S 00°00'00"E

## **EXHIBIT C**

### **Description of Public and Private Facilities**

- **Project Site Access**
  - The Proposed Project's access points will be off Wilkens Lane, a private, previously constructed roadway. Additional publicly-funded traffic improvements have been constructed in the area including a new traffic signal at the intersection of Attucks Lane and Wilkens Lane.
  - Pedestrian and bicycle access to the site from existing adjacent networks will be integrated into the Proposed Project.
- **Project Site Utilities**
  - As part of a recent sewer extension project, a service stub to the Project Site was installed along Kidds Hill Road. This stub will service the residential portion of the Proposed Project. Additionally, there is an existing private sewer pump station and sewer network on Wilkens Lane that will serve the future portions of the Proposed Project. Both connections of the Proposed Project's sewer network discharge to the Barnstable public system. Any upgrades necessary to the collection system and pump station to serve the Proposed Project will be funded by the Proposed Project.
  - There is an existing public water main located in Wilkens Lane which will serve the Proposed Project.
  - Underground electric, telephone, gas and communications infrastructure are available in Wilkens Lane. Connection costs will be funded by the Proposed Project.
  - The Proposed Project will require private stormwater systems be constructed to manage and treat stormwater flows from the Proposed Project. These systems will be located within the Project Site and will be constructed and maintained by the Proposed Project.

## **EXHIBIT D**

### **Description of Land Reserved for Public Purposes**

- The Proposed Project will integrate bicycle and pedestrian connectivity through the proposed development with existing adjacent networks and to abutting properties. Additionally, the Proposed Project will work with the appropriate parties to provide connections from the Proposed Project to future expansions of these regional networks, such as the currently planned expansion of the Cape Cod Rail Trail.
- The Proposed Project will include walking paths and park areas that will be accessible to residents and Proposed Project visitors.

## **EXHIBIT E**

### **Description of Anticipated Development Permits**

The Proposed Project currently anticipates the following required local development permits:

- Zoning Amendment from the Town of Barnstable Town Council
- Site Plan Approval from the Town of Barnstable Building Department
- Sewer connection permit from the Town of Barnstable
- Water connection permit from the Barnstable Fire District Water Department

**EXHIBIT F**

Final Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification  
form dated March 25, 2002

[See attached]





JANE SWIFT  
GOVERNOR

BOB DURAND  
SECRETARY

*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*251 Causeway Street, Suite 900*  
*Boston, MA 02114-2119*

Tel. (617) 626-1000  
Fax (617) 626-1181  
<http://www.magnet.state.ma.us/envir>

March 25, 2002

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Cape Cod Ambulatory Care Complex  
PROJECT MUNICIPALITY : Barnstable  
PROJECT WATERSHED : Cape & Islands  
EOEA NUMBER : 12711  
PROJECT PROPONENT : Cape Cod Healthcare, Inc.  
DATE NOTICED IN MONITOR : February 23, 2002

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the project involves development of a 263,100 square foot ambulatory care complex with associated infrastructure on a 40.6-acre site off Hadaway Road.

The project is undergoing review pursuant to Section 11.03 (1)(b)(2), because the project will create more than five acres of new impervious surfaces and the project requires a state permit. The project will require a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP). The project will not require any other state permits. Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of the the required state permit (i.e., wastewater impacts).



EOEA#12711

ENF Certificate

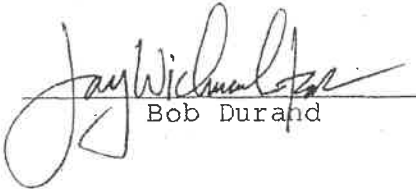
3/25/02

The impacts of the project that are within MEPA subject matter jurisdiction do not warrant further MEPA review. The proponent can address any issues related to wastewater during the DEP permitting process.

The Cape Cod Commission (CCC) will review the project either as a Development of Regional Impact or through a Development Agreement process. The review by the CCC can serve to address environmental issues such as traffic/air quality, water resources, open space preservation, and other issues within the jurisdiction of the CCC.

DEP has requested that the proponent perform a mesoscale air quality analysis for the project. As noted above, MEPA lacks subject matter jurisdiction over air quality. I ask that the Cape Cod Commission consider including a mesoscale analysis in its scope of review for the project.

March 25, 2002  
Date

  
Bob Durand

Comments received:

03/12/02 Department of Environmental Protection Boston  
03/15/02 Cape Cod Commission  
03/15/02 Division of Marine Fisheries  
03/15/02 Department of Environmental Protection SERO

BAD/ASP/asp





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

JANE SWIFT  
Governor

RECEIVED

MAR 12 2002

MEPA

BOB DURAND  
Secretary

LAUREN A. LISS  
Commissioner

MEMORANDUM

TO: Secretary Durand, Executive Office of Environmental Affairs

ATTN: Arthur Pugsley, MEPA Unit

FROM: Christine Kirby, DEP

DATE: March 11, 2002

SUBJECT: BOEA No. 12711 - Review of the Environmental Notification Form for the Cape Cod Hospital Ambulatory Care Complex in Barnstable

The Department of Environmental Protection (DEP) has reviewed the Environmental Notification Form submitted for the Cape Cod Hospital Ambulatory Care Complex in Barnstable. In exercising its responsibility to review projects for potential air quality impacts due to changes in traffic within the project area, the DEP offers the following comments.

Cape Cod Hospital Ambulatory Care, Inc. plans to build a 263,100 square foot medical complex on a 40.6 acre site north of Hadaway Road in Barnstable. The site, a former gravel pit, contains two parcels separated by a right of way known as Gonsalves Road. This roadway, near completion, will connect Kid's Hill Road (the project's north boundary) with Hadaway Road to the south. The proponents intend to use the complex as an adjunct to Cape Cod Hospital, located in Hyannis. No inpatient or acute emergency care will take place in this complex. The site will have 750 parking spaces to accommodate an average daily traffic of 4,610. Therefore, in order for this project to be consistent with the State Implementation Plan (SIP), it will be necessary for the project proponent to conduct an air quality mesoscale analysis to be presented in a Draft Environmental Impact Report.

A proposed indirect source project may have impacts on area traffic characteristics, such as volume and speed of roadway segments. An area which includes all of the project impacted roadway segments is defined as the mesoscale area. The analysis area should include the area within a 0.3 to 16 km radius and include the indirect source project; the exact geographical area depends on local conditions and the impact of a project on area travel patterns. The area should

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>



Printed on Recycled Paper

be large enough to include all roadway links that will potentially experience an increase of 10% in traffic due to the project and currently operate at level of service (LOS) D or lower or will be degraded to LOS D or lower. A mesoscale analysis should be performed for volatile organic compounds (VOC). The total amount of the pollutant expected from each of the project alternatives, including "No Build" in the base and future years should be selected in consultation with the Massachusetts Environmental Policy Act (MEPA) staff and the DEP staff as well as the input parameters to the Mobile5ah emissions factor model.

VOC emissions for the base case can be calculated using existing characteristics on the roadway segments. Emissions for the estimated time of completion can be calculated by changing the traffic characteristics on the roadway segments to those that are expected to occur when the indirect source project is completed. VOC emissions for the build and no build cases for future years can be similarly calculated.

Once the analysis has been completed it can be determined if the project will result in an increase or decrease in emissions of VOC. Emissions will increase or decrease based upon the effects of traffic volumes and on speeds on the roadway segments in the project area as a result of the indirect source project. If the project is shown to result in an emissions increase, mitigation measures should be presented to offset the increase.

A project of this size will exacerbate the degree of traffic congestion in Barnstable and Cape Cod. The proponent should establish an aggressive and comprehensive transportation demand management (TDM) program as a means for mitigating this project's traffic and air quality impacts. The two most important TDM measures in developing an effective program consist of the appointment of an on-site transportation coordinator and preferential parking for high occupancy vehicles (HOV). From this point a TDM program should integrate other measures proven crucial for mitigating traffic. These measures include but are not limited to the following: a guaranteed ride home, flextime, telecommuting, bicycle and pedestrian amenities, signage, establishing a commuter information center, offering benefits from the Commuter Choice program, direct deposit and off peak deliveries.

In addition to the requirements for an air quality analysis, every facility located on this site which employs 250 or more daytime employees at any time over the course of one year will be required to comply with DEP's Ridesharing Regulation (310 CMR 7.16).

Should you have any questions regarding this memorandum please contact Keith Grillo of the DEP at 292-5773.

MEMORANDUM

TO: Arthur Pugsley, Environmental Reviewer, MEPA Unit

THROUGH: Robert P. Fagan, Regional Engineer, BRP  
David Johnston, Deputy Regional Director  
David DeLorenzo, Deputy Regional Director  
John Viola, Deputy Regional Director  
Paul L. Grady Jr., Service Center Director

CC: Elizabeth Kouloheras, Chief, Wetlands and  
Team Leader, Cape Cod Watershed  
Jeffrey Gould, Chief, Water Pollution Control  
Lawrence Dayian, Chief, Water Supply  
David Ellis, Chief, Solid Waste Management  
Patti Kellogg, EOEa Basin Team Leader, Cape and Islands Watershed  
David Murphy, Commissioner's Office

FROM: Sharon Stone, SERO MEPA Coordinator

DATE: March 15, 2002

RE: ENF EOEa # 12711 – BARNSTABLE – Cape Cod Hospital Ambulatory Care  
Complex  
Hadaway Rd., Gonsalves Rd. and  
Perseverance Way

\*\*\*\*\*

"For Use in Intra-Agency Policy Deliberations"

The Southeast Regional Office of the Department of Environmental Protection has reviewed the Environmental Notification Form (ENF) for the proposed Cape Cod Hospital Ambulatory Care Complex to be located at Hadaway Rd., Gonsalves Rd. and Perseverance Way, Barnstable, Massachusetts (EOEA # 12711). The project proponent provides the following information for the project:

**"Cape Cod Healthcare, Inc. (the proponent) proposes to construct a 263,100-square foot (SF) ambulatory care complex, with parking and site improvements, on a 40.6-acre site off of Hadaway Road in Barnstable. Cape Cod Healthcare is a non-profit, charitable, tax-exempt organization that operates the Cape Cod Hospital, an acute care community hospital. The proposed new medical complex is designed to provide general ambulatory medical services, imaging, pre-admission testing, infusion therapy, oncology treatment, and ambulatory surgery, along with a wellness/fitness center and limited urgent care treatment for walk-in patients. The new complex will be an adjunct/complementary facility to the existing Cape Cod Hospital in downtown Hyannis. The proposed complex will not provide any inpatient or acute emergency care. The complex will accommodate up to 50 doctors along with medical technicians and support staff.**

The project site was previously used as a gravel borrow pit by Cape Cod Aggregates. Mining and gravel borrowing activities no longer occur on the site, but Cape Cod Aggregates uses the site to stockpile gravel and crushed stone material that it processes on its adjacent property immediately to the north. The past use completely altered the surface conditions of the site, which has been scraped bare and is now devoid of vegetation. There are no regulated wetland resource areas on or directly adjacent to the site.

The proposed site development will include construction of a total of 263,100 SF of building floor area on the 36.6-acre parcel west of Gonsalves Road. The project will be implemented in several phases. The project will employ a campus-like approach to site development with the overall program contained in 5-6 buildings. The project will comply with applicable local and CCC open space standards.

The site development also will involve construction of new water, sewer, and utility service connections. The site is located within a local Groundwater Protection Overlay District and within a CCC Public Water Supply Wellhead Protection Area.

The project will generate over 3,000 daily vehicle trips and create more than 5 acres of impervious surface, which triggers the requirement to file this ENF pursuant to MEPA and its implementing regulations at 301 CMR 11.03.

Permits listed in the ENF to be sought for the project include the following:

Site Plan Review by Barnstable Site Plan Committee & Cape Cod Commission (CCC)  
CCC review under proposed Development Agreement  
NPDES General Permit for Construction  
DEP Sewer Connection/Extension Permit"

The Cape Cod Watershed/Water Pollution Control Program staff indicates that the proposed project will generate approximately 25,000 gallons per day of wastewater which will be discharged to an existing sanitary sewer. The sewer connection will require DEP approval.

Based on the location information provided in the ENF, the Bureau of Waste Site Cleanup (BWSC) has searched its database for disposal sites and release notifications and not found any disposal site(s) in the vicinity of the proposed project.

The Project Proponent is advised, if oil and/or hazardous material pursuant to 310 CMR 40.0000; the Massachusetts Contingency Plan (MCP) is identified during the implementation of this project, a Licensed Site Professional (LSP) should be retained to determine if notification is required pursuant to 310 CMR 40.0300 and if necessary, render opinions as stated in 310 CMR 40.0000. In addition, an LSP may be engaged to evaluate whether risk reduction measures pursuant to 310 CMR 40.0400 are necessary or prudent. The BWSC may be contacted for guidance if questions regarding cleanup arise.

The DEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact Sharon Stone at (508) 946-2846.



Paul J. Diodati  
Director

*Commonwealth of Massachusetts*

**Division of Marine Fisheries**

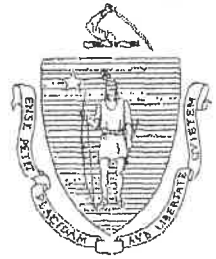
Southeast Marine Fisheries Station

50A Portside Drive

Pocasset, MA 02559

(508) 563-1779

Fax: (508) 563-5482



March 15, 2002

Bob Durand, Secretary  
Executive Office of Environmental Affairs, Attention: MEPA Office  
Arthur Pugsley, EOE #12711  
251 Causeway Street, Suite 900  
Boston, MA 02114-2150

Dear Secretary Durand:

The Division of Marine Fisheries has reviewed the Environmental Notification Form (EOEA #12711) for the Cape Cod Hospital Ambulatory Care Complex, Barnstable, with regards to potential impacts to marine fisheries resources. Based on the information provided, we have no recommendations regarding the proposed scope of work at this time.

If you have any questions about this review, please contact Vin Malkoski in our Pocasset office at (508) 563-1779, ext. 119.

Sincerely yours,

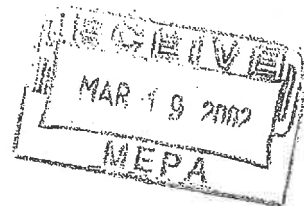
*Paul J. Diodati*

Paul J. Diodati  
Director



## CAPE COD COMMISSION

3225 MAIN STREET  
P.O. BOX 226  
BARNSTABLE, MA 02630  
(508) 362-3828  
FAX (508) 362-3136  
E-mail: frontdesk@capecodcommission.org



March 15, 2002

Secretary Robert Durand  
Massachusetts Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02202

Attn: Jay Wickersham, Director-MEPA Unit  
EOEA# #12711



Dear Secretary Durand:

The Cape Cod Commission (the Commission) has received an Environmental Notification Form (ENF) for the Cape Cod Hospital Ambulatory Care Complex project in Barnstable, MA. The ENF was noticed in the Environmental Monitor on February 23, 2002. Comments are due March 15, 2002.

A member of the Cape Cod Commission subcommittee as well as staff attended a MEPA site visit on February 28, 2002 at which the project proponent, the MEPA representative and Cape Cod Commission representatives discussed the MEPA/DRI review process for the project. In addition, Cape Cod Commission staff met with representatives of the Town on March 12, 2002.

Although the town of Barnstable has a Memorandum of Understanding (MOU) for a joint review process with the Cape Cod Commission, due to an upcoming change in local staffing, the Town did not choose to hold a joint scoping session with the Commission at this time. Therefore, the Cape Cod Commission will hold a public hearing on Tuesday, March 26, 2002 at 7:00 PM at the Assembly of Delegates Chamber in the First District Courthouse, Barnstable, Massachusetts, which will serve as the Commission's first public hearing and scoping session for the project.

Because MEPA comments are due before the Commission will be able to hold the public hearing on March 26, this letter contains detailed Commission staff comments relative to Water Resources and Hazardous Materials, and a summary of other Commission staff concerns that are not under MEPA jurisdiction. More detailed staff comments about these other issues will be available for the March 26 public hearing.

Cape Cod Commission staff have reviewed the ENF and offer comments in the areas of Master Planning, Water Resources, Hazardous Materials,



Transportation, Economic Development, Open Space and Recreation, Solid Waste Management and Community Character.

Although Commission staff does not recommend the preparation of an EIR for this project, we appreciate the opportunity to comment.

## **PROJECT PROPOSAL**

The applicant (Cape Cod Healthcare) proposes to construct and operate five or six buildings totaling approximately 265,000 square feet of new ambulatory medical facilities on approximately 40 acres of land located in Independence Park on Hadaway Road, Hyannis. Many of the services that would be provided at the new campus are currently being provided at Cape Cod Hospital. They include ambulatory surgery, imaging (Cat Scan, MRI, PT Scan, and x-ray), women's healthcare, rehabilitation and fitness (orthopedic, cardiovascular and neurological), medical offices for associated and ancillary specialists, pre-admission testing, infusion therapy and oncology treatment. The building complex will ultimately accommodate up to 50 doctors with associated medical technicians and support staff. The project is located within one of the Town of Barnstable's certified growth centers.

## **MASTER PLANNING**

Many of the ambulatory care services that will be provided at the new facility currently exist at Cape Cod Hospital; their transfer from the existing campus to a new campus will create vacant space at Cape Cod Hospital. The re-use of the vacant space in the existing Cape Cod Hospital resulting from the relocation is a significant issue to the Cape Cod Commission.

The applicant should use this opportunity to coordinate the re-use of the vacant space in the existing Cape Cod Hospital with the development of the new ambulatory campus. In this context, Commission staff recommends that the applicant prepare a single master plan for both facilities.

## **WATER RESOURCES**

The Cape Cod Healthcare parcel is located within both a Wellhead Protection Area to Hyannis water supply wells and the Marine Water Recharge Area to Lewis Bay. Wastewater from the site (approximately 25,000 gallons per day) is proposed to be treated at the Town of Barnstable municipal wastewater treatment facility, which discharges within the watershed to Lewis Bay. The proposed uses on the site require that the proposal adequately address nitrogen loading, hazardous materials, and stormwater Minimum Performance Standards, as well as raising the issue of impacts of additional wastewater discharge from the town treatment plant. Additional information is necessary to address these issues adequately. Staff believes that these issues can be resolved through the Commission's DRI review and, therefore, preparation of an EIR is not required for this project.

The town treatment plant is situated in an area of the Cape with relatively high groundwater fluctuations; town Department of Public Works (DPW) monitoring of water levels in the area have documented natural fluctuations of

approximately 7 feet. Monitoring completed during 1995 also documented that each 0.5 million gallons per day (MGD) of wastewater flow causes the water level within a half a mile of the plant to rise approximately 1.4 ft.

During 1996-97, natural groundwater levels throughout Cape Cod reached new record highs, causing some flooding of basements and inundation of pondfront properties. Concerns raised at that time included the additive impact of high wastewater discharge flows from the Barnstable Treatment Plant on the high water levels and the potential to impact nearby septic systems, basements, and stormwater structures. Analysis completed at that time indicated that the wastewater discharge at the plant should be limited to 1.0 MGD during high groundwater conditions and that discharge of 2.7 MGD during high groundwater conditions would cause the lowest basement to be flooded continuously. The Barnstable DPW has been collecting data since that time; preliminary analyses of the newer data indicate that the earlier analyses predicted greater impacts than have been observed.

The Barnstable DPW, beginning by using the older analysis, have been purchasing nearby low-lying properties and low elevation development rights in order to conservatively mitigate some potential impacts of combined high groundwater conditions and current flows. In addition, the DPW has been working to explore and acquire alternative discharge locations in order transfer some of the flows and their associated water level impacts away from the treatment plant site, as well as utilizing the full 4 MGD capacity of the plant to address areas of concern previously identified during the Barnstable Facilities Plan. The potential water level impacts of discharge have also been somewhat obviated by a rapid decline in groundwater levels during the past three years to the nearly record lows that the Cape is currently experiencing.

The cumulative impact of the additional sewer connections during the intervening years remains a concern, however. During the period of falling groundwater levels, the gradual addition of flows to the town treatment system has caused from maximum flows to grow from 2.2 MGD in 1997 to 2.8 MGD last year. Although the town has responded to the potential impacts of higher flows and has likely created more buffer from the impacts suggested in 1996-97, every additional flow connected to the plant raises concerns about how large the buffer is and what sort of impact will be created when high groundwater conditions return.

The obvious long-term solution to these high groundwater concerns and health and water quality issues in the areas of concern identified in the Barnstable Facilities Plan is to find alternative discharge locations and to utilize the full capacity of the plant. Without these alternative discharge locations on-line, the cumulative impact of each additional connection of wastewater flows to the treatment system, including those planned for Cape Cod Healthcare, is a concern. It may be appropriate to discuss a moratorium on additional sewer connections until additional discharge capacity is secured.

If a sewer connection is not available, it is unclear whether this project can meet the nitrogen loading minimum standards. Nitrogen loading from the project



with the nitrogen treatment offered by the town plant would result in a nitrogen load of approximately 1.8 ppm, which is less than the 5 ppm standard required in the RPP. If the wastewater must be treated on-site using a conventional septic system, the nitrogen load is 9.2 ppm. It is also unclear whether wastewater from the site could be treated using a Title 5 system, given the types of activities planned on the site and the prohibition of hospital connections to on-site septic systems contained in Title 5 regulations.

Nitrogen impacts from the project on Lewis Bay will also need to be addressed. The town has begun collecting water quality information in the Bay in coordination with the Town of Yarmouth and in anticipation of the Bay being addressed under the Massachusetts Estuaries Project. The RPP requires that all nitrogen loads within watersheds to coastal embayments with documented water quality problems must be offset with equivalent loading reductions, while systems without water quality information are addressed in different ways. The current water quality status of Lewis Bay and its associated status under the RPP standards will need to be adequately addressed during DRI review.

Since the project is located within a Wellhead Protection Area and Zone II, any additions of hazardous materials greater than household quantities is also a concern. Information to address this Minimum Performance Standard is not included in the ENF materials. Issues associated with this issue, including the amount of hazardous materials, their handling and disposal, and whether certain activities will require pre-treatment of wastewater prior to sewer discharge, will need to be adequately addressed.

Stormwater materials presented in the ENF are also inadequate to address the stormwater Minimum Performance Standards. Although the applicant states that the system will be designed with components to address the state stormwater policy and guidelines, the submitted information does not address all these standards. In addition, the parcel presents a number of opportunities to improve stormwater discharge quality through the use of vegetated swales as required by the RPP. During the DRI review, the applicant should submit overall stormwater design and details, TSS calculations, a maintenance plan, and discussion or options for the inclusion of vegetated swales.

## **HAZARDOUS MATERIALS/WASTES**

According to information on file at the Cape Cod Commission, including maps produced for the 1996 Regional Policy Plan, the project site is located in a Wellhead Protection District/Zone II. This is recognized by the applicant in the Expanded ENF narrative.

Based on this, Minimum Performance Standard (MPS) 4.2.2.3 applies to the review of this project, and requires that "commercial and industrial development and redevelopment that involves the use, treatment, generation, storage or disposal of hazardous waste, or hazardous materials, with the exception of household quantities, shall not be allowed in Wellhead Protection Districts."

Because the project envisions the transfer of some operations from the main Cape Cod Hospital campus to this facility, Commission staff strongly suggests

that the proponents have a unique opportunity to take advantage of the Massachusetts Office of Technical Assistance for Toxic Use Reduction's environmentally preferable products network for healthcare facilities, the national *Healthcare Without Harm* coalition, or the federal Environmental Protection Agency's *Hospitals for a Healthy Environment* program.

All these are relatively new programs specifically targeted at reducing or eliminating the use of hazardous materials in the healthcare industry, including at the type of facility envisioned by this project.

Even so, given the project's location in a Wellhead Protection District, it is extremely important for the proponents to adequately characterize the existing and anticipated on-site use, treatment, generation, storage or disposal of hazardous waste, or hazardous materials to insure conformance with MPS 4.2.2.3. Detailed Information in needed that describes, as much as possible, the anticipated types of procedures the ambulatory care complex will offer, and the types and quantities of infectious waste and hazardous materials and hazardous waste anticipated to be used or generated by the facility.

There are two other important hazardous materials/waste management standards in the Regional Policy Plan that the proposed project needs to address in detail. MPS 4.2.2.1 requires that "development and redevelopment shall make reasonable efforts to minimize their hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling." MPS 4.2.2.2 requires that "development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.00."

MPS 4.2.2.1 provides an additional impetus for the project proponents to reduce the anticipated use of hazardous materials and generation of hazardous waste. And, given the Massachusetts Department of Environmental Protection's recent enforcement actions against laboratories over the past two years, it is important the project proponents give consideration to establishing a facility-wide, comprehensive hazardous waste management program during the project's preliminary design stages.

## **SOLID WASTE MANAGEMENT**

The ENF does not address the issue of Solid Waste Management. Accordingly, future review by the Commission will require the applicant to address the Regional Policy Plan's minimum performance standards in this area, which will include recycling and/or composting, containment, storage and disposal of construction debris, and storage and disposal of products containing hazardous materials, such as fluorescent light tubes.

## **TRANSPORTATION**

Based on the Environmental Notification Form (ENF), the proposed medical complex will generate 4,610 vehicle trips per day. This project will be required to submit a traffic study in conformance with the applicable Cape Cod

Commission Regional Policy Plan and the supporting technical bulletins for transportation.

## **ECONOMIC DEVELOPMENT**

The proposed Cape Cod Healthcare project generally addresses Regional Policy Plan economic development goals in that it is redevelopment of an already disturbed site and is proposed to be located in an Industrial Growth Center. In addition, the Regional Policy Plan states that it is economically important for Cape Cod to maintain strong health services. These factors are all positive aspects of the proposed project.

During project review, the proponent will be required to address the economic development goals and Minimum Performance Standards, as well as Development Review Policies and Other Development Review Policies in the RPP. Addressing these policies, as appropriate, is an opportunity for the applicant to provide benefits of the project, which would be weighed in the benefits/detriments analysis by the Cape Cod Commission.

Commission staff will be requesting detailed information regarding employment, the service area, the types of services provided, and a fiscal analysis showing benefits to the Town and region.

## **NATURAL RESOURCES AND OPEN SPACE**

The project is located within a Significant Natural Resources Area due to the presence of public water supply protection area. The site contains little or no vegetation, or any wetlands; consequently, the proposal is consistent with the wetlands and wildlife standards of the RPP. As a project subject to Cape Cod Commission review and approval, the project will be required to meet an open space requirement, which will be addressed during the Commission's review process.

## **COMMUNITY CHARACTER**

The applicant has notified Massachusetts Historical Commission regarding possible impacts to archaeological or historic resources that may exist on the site in conformance with the DRI Application requirements.

Goal 6.2 of the RPP seeks to ensure that future development respects the traditions and character of historic village centers and outlying rural areas so as to protect and improve the visual character of Cape Cod, consistent with the Commission's design manual. Conformance with MPSs 6.2.1 – 6.2.11 is required to ensure that the design of the new campus respects the traditions and character of historic village centers.

The applicant has indicated that they will be seeking flexibility in the layout, massing and design of the campus and buildings in order to respond to fundraising efforts and patient needs. The applicant anticipates that the project would be constructed over a 10 year period of time.

Based on this, staff recommends that the applicant prepare design guidelines that address site and building layout, architectural design (including rooflines),

building materials, parking lot design, landscaping, lighting and signage. Sketches and photographs illustrating the application of the guidelines should be included in the manual. The guidelines should also include issues such as solid waste management and construction practices.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Margo Fenn", with a stylized flourish at the end.

Margo Fenn  
Executive Director

cc: Thomas Broadrick, DRI Liaison and Planning Director  
John Klimm, Town Administrator  
Tom Mullen, Director of DPW  
Jon Erickson, Barnstable Fire District  
Peter DiMatteo, Building Commissioner  
Barnstable Town Council  
Barnstable Board of Health  
David Ansel, Barnstable Representative to the Cape Cod Commission  
Susan Kadar, Cape Cod Commission Subcommittee Chair  
Elizabeth Taylor, Cape Cod Commission  
Catherine Frazer, Cape Cod Commission  
Ian Aitchison, Cape Cod Commission  
Thomas Broidrick, Cape Cod Commission  
Robert Randolph, Cape Cod Commission

**EXHIBIT G**

**Preliminary Site Plan**

[See attached]



**EXHIBIT H**

**Letter of Support from Local Officials**

[See attached]



# The Town of Barnstable

## Office of Town Manager

367 Main Street, Hyannis, MA 02601

Office: 508.862.4610

Fax: 508.790.6226

[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)

Citizens' Resource Line: 508.862.4925



**Mark S. Ells, Town Manager**

[mark.ells@town.barnstable.ma.us](mailto:mark.ells@town.barnstable.ma.us)

**M. Andrew Clyburn, Assistant Town Manager**

[andy.clyburn@town.barnstable.ma.us](mailto:andy.clyburn@town.barnstable.ma.us)

April 28, 2020

New England Development  
c/o Michael D. Ford, Esq.  
72 Main Street, P.O. Box 485  
West Harwich, MA 02671  
[mike@fordandfordattorneys.com](mailto:mike@fordandfordattorneys.com)

Attorney Ford,

Thank you for speaking with me about New England Development's intention to pursue Cape Cod Commission approval for the proposed mixed use development at Wilkins Way through a modification of the existing Development Agreement with Cape Cod Healthcare.

The Town supports permitting of this development through Chapter D of the Code of Cape Cod Commission Regulations of General Application and feels this request is appropriate given the permit history and multi-faceted nature of the proposal.

Sincerely,

Mark Ells, Town Manager  
Town of Barnstable

Elizabeth Jenkins, Director  
Planning & Development



**EXHIBIT I**

**Letter of Support from Cape Cod Hospital**

[See attached]



# CAPE COD HEALTHCARE

Michael K. Lauf  
President and  
Chief Executive Officer  
August 3, 2020

Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630  
Attn: Jon Idman, Chief Regulatory Officer

Re: Notice of Intent to Amend and Restate 2003 Development Agreement By and Between the Cape Cod Commission and Cape Cod Healthcare, Inc.

Dear Commissioners:

This correspondence supplements the August 2020 Notice of Intent to Determine Applicability of a Development Agreement (the "NOI") to Amend and Restate the March 20, 2003 Development Agreement (the "2003 Development Agreement") by and between Cape Cod Healthcare, Inc. (hereafter, "CCHC") and the Cape Cod Commission. As a co-applicant to the NOI, and a party to the 2003 Development Agreement, CCHC supports Amending and Restating the 2003 Development Agreement for the mixed-use development described in the NOI.

CCHC concurs that the proposed mixed-use development on the property, which includes future development by Cape Cod Hospital on the land it will retain, meets the eligibility criteria for a development agreement set forth in Section 5(a) of Chapter D, the Cape Cod Commission Development Agreement Regulations. Further, given that the 2003 Development Agreement remains in effect, CCHC suggests that the most appropriate and procedurally cleanest way to consider the proposed changes is by Amending and Restating the 2003 Development Agreement. As described in the NOI, the proposed revisions would involve multiple parties, multiple lots, multiple uses, different construction timeframes, and shared infrastructure. Collectively, all these variables and how they interrelate can best be addressed by carefully and thoughtfully amending and restating the 2003 Development Agreement as opposed to multiple developments of regional impact permitting.

As such, as a co-Applicant, CCHC and Cape Cod Hospital support this process and the Cape Cod Commission's approval of the NOI and look forward to engaging in negotiations with New England Development and the Cape Cod Commission to Amend and Restate the 2003 Development Agreement.

Please do not hesitate to contact me with any questions. Thank you very much.

Sincerely,

Michael K. Lauf  
President and CEO

88 Lewis Bay Road  
Hyannis, MA 02601  
508.862.5893  
fax 508.790.0030  
mklauf@capecodhealth.org

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**EXHIBIT J**  
**Fiscal Impact Report**

[See attached]

# **Fiscal Impact Analysis**

**Wilkins Lane Residential  
Barnstable Village  
Barnstable, MA  
June 30, 2021**

**Prepared For  
New England Development &  
Cape Cod Healthcare**



FOUGEREPLANNING@COMCAST.NET  
603.315.1288

# **FOUGERE PLANNING & DEVELOPMENT, Inc.**

**Mark J. Fougere, AICP**

phone: 603-315-1288 email: Fougereplanning@comcast.net

## **Wilkins Lane Residential Barnstable, MA**

### **FISCAL IMPACT ANALYSIS**

#### **Executive Summary**

Cape Cod Healthcare, the current owner of approximately 40 acres of land located at 35 Wilkins Lane in Hyannis, Massachusetts, has entered into an agreement with New England Development whereby NED would acquire and develop, in phases, the remaining approximately 32-acre area of land located at the Property with residential and commercial uses. The Hospital will retain ownership and operation of the contiguous portion of land which contains the existing Wilkins Outpatient Medical Complex as well as sufficient acreage to accommodate future expansion on the Property. The following bullet points summarize the positive fiscal impact resulting from the proposed development:

- Immediately following the transfer of the property from a tax-exempt not-for-profit entity to a non-exempt for-profit entity, the Project Site will become subject to taxation at an estimated value of \$121,000 per acre.
- The proposed development project will result in a net annual positive fiscal impact of \$469,316.
- The initial phase of the proposed project will create the 4<sup>th</sup> largest taxpayer in the community with an additional twenty one acres of land available for future development.
- One time building permit fees will generate approximately \$630,000 in revenue.
- Twenty-seven affordable housing units will be created, addressing a critical need in the community.
- Intangible positive economic benefit of creating market rate housing.

## **I. Introduction**

New England Development, in cooperation with Cape Cod Healthcare (CCH), is proposing a redevelopment of approximately 32 acres of property on Wilkens Lane in Barnstable (the "Project Site"). Approximately 28 of the 32 acres are located on the west side of Wilkens Lane, while the remaining 4.4 acres are located on the east side. The property is currently owned by CCH and is home to CCH's Wilkens Outpatient Center, an approximate 25,000 square-foot medical office facility. As an exempt non-profit ownership entity, the property does not pay real estate or personal property taxes to Barnstable or the Fire District.

New England Development would acquire and develop, in phases, the Project Site with residential and commercial uses. CCH will retain ownership and operation of the contiguous portion of land which contains the existing Wilkens Outpatient Medical Complex as well as sufficient acreage to accommodate future expansion (the "Hospital Parcel"). This arrangement will allow CCH to expand its existing facility at the Property and provide capital necessary to support its other expansion plans and ongoing operations.

The development proposal involves the creation of three parcels from the Project Site, all of which will become taxable when transferred to a non-exempt for-profit entity. Attached is a Preliminary Site Plan which shows plans to develop an active mixed-use site consisting of medical and residential uses, which will be followed by future, yet to be determined, phases of development on Lots 2 and 4.

The initial phase of development on Lot 3 will be a 272-unit residential rental community. Ten percent of the units will be set aside as affordable to those making no more than 65% of the Area Median Income. The proposal will involve the construction of 3 four-story buildings with a combination of surface parking spaces and detached garages. Table One outlines the specific breakdown of one, two and three bedroom units.

Table One Apartment Unit Profile	
Bedroom Mix	# Units
One Bed Mkt.	142
One Bed Afford.	16
Two Bed. Mkt.	92
Two Bed Afford.	10
Three Bed Mkt.	11
Three Bed Afford.	1
<b>TOTAL</b>	<b>272</b>

Local Housing Needs Assessments<sup>1</sup> have highlighted the critical need for rental housing, as well as affordable rental housing in the community. This proposal will address both of these acute needs.

It should be noted that this development will be operated privately and as such all proposed access ways will be maintained by the owner, along with trash disposal. Public water and sewer will service the site.

## Local Trends

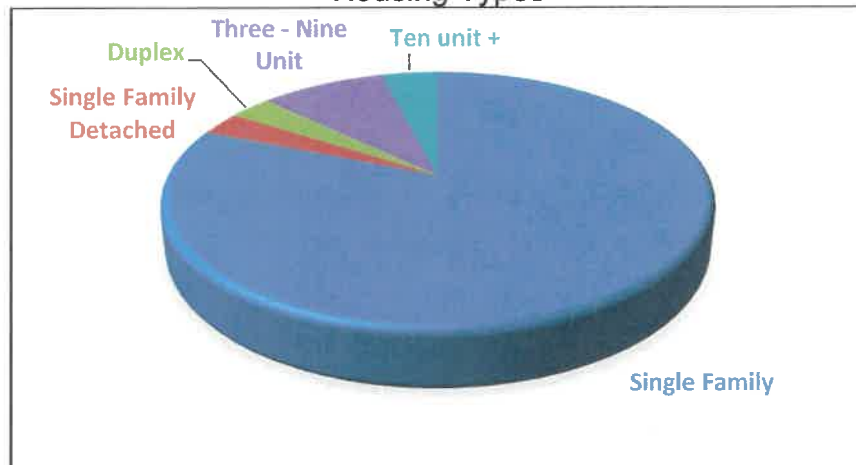
Census figures report that from 2000 to 2010 Barnstable's population decreased from 47,821 to 45,193, showing negative population growth over the 10 year time period. The most recent estimates from the US Census Bureau reflect a continued decline in population, noting 44,406 residents in 2019.

A majority of Barnstable's housing stock consists of single family homes, with 2019 US Census data reporting 21,643 single family homes out of a total housing stock of 26,395 units; Figure One.

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<sup>1</sup> Barnstable HPP Final Draft 2016 & Housing Needs Assessment 2014.

Figure One  
Housing Types

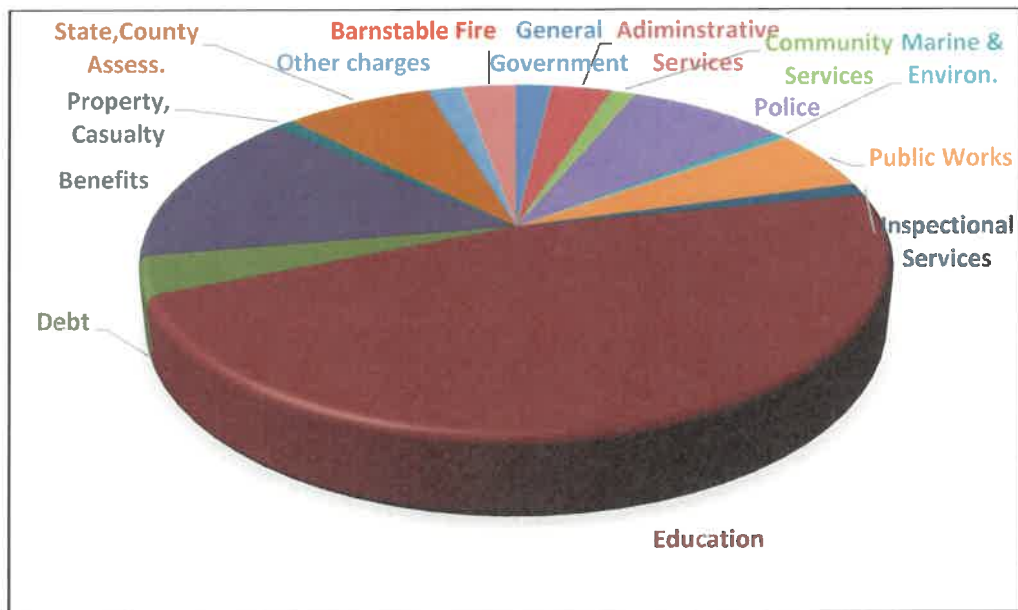


## Budget History

Barnstable's total operating budget for FY2022 is \$180,742,946. Public Safety and Education account for 50% of the total budget; Figure Two. In addition, Barnstable Fire District totals \$4,111,506. These departments have the largest number of personnel and the most direct impact on municipal expenditures. Given the large budgetary impact these departments have on the community and the fact that they will experience the most direct measurable impact from the proposed development, they are the primary focus of this Report.

Figure Two  
Department Budget Allocation





## A. Methodology Approach

There are a number of methodologies that are used to estimate fiscal impacts of proposed development projects. The Per Capita Multiplier Method is the most often used analysis to determine municipal cost allocation. This method is the classic “average” costing method for projecting the impact of population growth on local spending patterns and is used to establish the costs of existing services for a new development. The basic premise of this method is that current revenue/cost ratios per person and per unit are a potential indicator of future revenue/cost impacts occasioned by growth. New capital expenditures required for provision of services to a development are not added to current costs; instead, the present debt service for previous improvements is included to represent ongoing capital projects. The advantage of this approach is its simplicity of implementation and its wide acceptance by both consultants and local officials. The downside of this approach is that the methodology calculates the “average” cost as being the expected cost, which is often not the case and costs are exaggerated - significantly in some instances. (For example, if one student is added to a school system, limited cost impacts will occur; however based on an “average” cost to educate one student the cost could be noted as \$15,000/year, which includes such costs as existing debt, building maintenance, administrative and other factors, all of which will be minimally impacted by the addition of one student. The “true cost” could be significantly less, especially in those communities with declining enrollment.)

The Marginal Cost Approach is a more realistic methodology that can be used to estimate and measure developmental impacts based on actual costs that occur in the community. At this time, a “level of service” exists in Barnstable to serve the community. This existing service level, for the most part, addresses the needs of the community through existing tax collections. As new development occurs, pressures are placed on some departments to address increased demands, while other departments experience negligible, if any impacts. In reviewing the potentially impacted town departments specifically, a truer picture of anticipated cost impacts can be determined.

Given the nature of the contemplated development, as will be shown by the analysis below, measurable impacts will be limited to a few Town departments. Any required off-site traffic and roadway improvements are expected to be addressed during the approval processes with the Town. Solid waste generated by new buildings will be removed by a private hauler. Any ongoing sewer and water expenses associated with potable water use and sewage generated by new use will be offset through user fees, and the costs of any required municipal utility upgrades will be addressed during the approval process. All on-site property improvements will be private and all maintenance expenses will be paid for by this project owner. This report does not intend to imply that no costs will occur as a result of this project. Measurable impacts of the development are expected to result to a few Town departments, most notably the School Department along with the Police and Fire Departments. Other Town agencies are projected to experience little or no measurable impacts.

## **Local Revenues from Development**

### **A) Property Taxes**

Local property taxes provide the bulk of municipal revenues for Barnstable, totaling 76.2% of all revenues to the General Fund<sup>2</sup>. Barnstable’s present tax rate is \$9.10

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<sup>2</sup> Fiscal Year 2020 Budget Summary.

per \$1,000 valuation for residential uses. In addition, the proposed project will be located within the Barnstable Fire District which has a residential tax rate of \$2.61.

## 1. Pre-Development

At this time, as noted above, CCH holdings are not taxable and no property tax revenues are generated from these properties. The planned transaction between CCH and New England Development will transfer approximately 32 acres of property and, based upon comparable vacant properties in the area, will generate \$35,343 annually to the Town of Barnstable and \$10,138 to the Fire District. (See Table Two)

Table Two  
Estimated Revenues – Vacant Taxable Property

	Area	Value/Unit	Total Value	Present Taxes
Undeveloped Properties	32.1	\$121,000	<b>\$3,884,100</b>	
Town Tax Rate	\$9.10	Est. Revenue	\$35,345	\$0.00
Barnstable Village Rate	\$2.61	Est. Revenue	\$10,138	\$0.00

## 2. Post-development

For multifamily uses, typically the Income Approach is used to estimate value, but given the early stage of the proposed project, a detailed pro forma has not been developed at this time. However, based upon research conducted by the residential developer, we have estimated an assessed value of \$192,000 per apartment unit. Based on this analysis the total project value (including remaining vacant land) is estimated to be \$54,813,400 generating \$498,802 in annual property tax revenue to the Town of Barnstable. The Barnstable Fire District is estimated to gain \$143,063 in revenues as detailed in Table Three.

Table Three  
Estimated Yearly Property Taxes – Barnstable & Fire District

	# Units	Value/Unit	Total Value
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Wilken Lane Apartments	272	\$192,000	<b>\$52,224,000</b>
Remaining Vacant Land	21.4	\$121,000	<b>\$2,589,400</b>
Total Value			<b>\$54,813,400</b>
Town Tax Rate	\$9.10	Est. Revenue	\$498,802
Barnstable Village Rate	\$2.61	Est. Revenue	\$143,063

Based upon the site's estimated value, the proposed project will become the 4<sup>th</sup> largest taxpayer in the community as detailed in Table Four

Table Four  
Top Taxpayers in Barnstable

<b>Project Owner</b>	<b>Total Assessment</b>
Eversource	\$167,822,890
Mayflower Cape Cod	\$137,383,760
National Grid	\$54,126,800
<b>Subject Site</b>	<b>\$52,224,000</b>
Festival of Hyannis	\$41,961,900

#### B) Motor Vehicle Excise Tax

Another major revenue source for the community is motor vehicle excise taxes. In fiscal year 2020 the Town of Barnstable received a total of \$8,245,118<sup>3</sup> from this revenue source. Table Five outlines a projected \$156,750 in vehicle excise tax revenue.

Table Five  
Motor Vehicle Excise Tax

<b># Cars<sup>4</sup></b>	<b>Avg. Value</b>	<b>Total Value</b>
418	\$15,000	\$6,270,000
\$25 x \$6,270		<b>\$156,750</b>

#### C) Community Preservation Surcharge

The Town of Barnstable has adopted the Community Preservation Act allowing the community to impose a 3% surcharge on property taxes. Based upon the projected taxes outlined in Table Three, an estimated CPA surcharge of \$14,964 was calculated; Table Six.

<sup>3</sup> FY2022 Operating Budget Summary.

<sup>4</sup> 1.2 vehicles per one-bed unit; 2 vehicles per two and three-bed units.

Table Six Community Preservation Surcharge	
<u>Property Taxes</u>	<u>CPA Surcharge</u>
\$498,802	<b>\$14,964</b>

#### D) Estimated Yearly Project Revenues

In summary, the proposed Wilkens Lane residential development is estimated to generate \$670,516 in yearly revenues to the Town of Barnstable from property taxes, excise taxes and CPA Surcharge; Table Seven.

Table Seven Estimated Yearly Revenue - Barnstable	
<u>Residential Property Taxes</u>	\$498,802
<u>Vehicle Excise</u>	\$156,750
<u>CPA Surcharge</u>	\$14,964
<b>Total</b>	<b>\$670,516</b>

The Barnstable Fire District tax rate is \$2.61 per \$1,000 and as such, the District will realize **\$143,063** in yearly property tax revenue.

Additional one-time payment revenues will also be realized as part of the development, these will be detailed further below.

## B. Municipal Service Costs

Given the nature of the proposed development project, as will be seen in the analysis below, measurable impacts will be limited to a few key Town departments including schools, police and fire departments. All onsite maintenance will be addressed by the property owner, including access maintenance and trash removal.

### Department Impacts

#### Police & Fire

The Police and Fire Departments will experience some increased demand for services from the proposed residential community. For fiscal year 2020 the Police Department's<sup>5</sup> budget was \$21,159,649 and Fire District's budget<sup>6</sup> was \$4,113,506.

To assess the degree of impact this project would have on these departments, comparable apartment complex emergency call data from over 3,000 apartment complexes were analyzed. The emergency call data was obtained and averaged to determine the annual number of calls per unit. These ratios were then totaled to derive an average call volume per unit, which was then used to generate projected emergency calls for each Department.

Extrapolating from the comparable call data, slight increases are projected in the Town's Police and Fire Department call volume. Annual Police calls are projected to increase by 106 calls (or 2 calls per week), annual fire calls are projected to increase by 20 calls (.38 calls per week), and EMS calls are estimated to be 31 annually, (.59 calls per week) creating slight increases in operational activities as detailed in Table Eight.

Table Eight<sup>7</sup>  
Projected Emergency Service Calls

Department	Calls Per Unit	Estimated New Calls
<b>Police</b>	.391 Calls Per Unit	
Wilkins Lane	272 Units	106
<b>Fire</b>	.074 Calls Per Unit	
Wilkins Lane	272 Units	20
<b>EMS</b>	.113 Calls Per Unit	
Wilkins Lane	272 Units	31

## Police Department

To gain an understanding of the impact of the contemplated development of the residential apartment community on the Police Department, we discussed the

<sup>5</sup> Includes benefit/insurance costs.

<sup>6</sup> Includes 100% of the District's Treasurer & Prudential costs.

<sup>7</sup> See Appendix for complete data.

project with Police Chief Sonabend. The proposed development, the estimated call data and the state of the Department were discussed. The Chief feels the estimate of new calls is reasonable, but noted that the demographic profile of the complex will play a large role in how often they are called to the subject site. Project layout can influence the number of noise complaint calls. The Department communicates regularly with larger multifamily properties and if the quantity of calls to a specific location increases, meetings with property management are arranged in order to resolve ongoing problems. The Chief noted that the Department is down a handful of officers and he hopes to fill these vacancies soon.

To assign a cost as a result of the increased demand for services, a number of options were reviewed including cost per call and cost per capita. Since calls for service provides a clear measure of impact on the Department, this approach was used and results in an estimated annual impact of \$34,000 as detailed in Table Nine. This cost estimate is not inferring the Police Budget will increase as a result of the proposed development, but assigns a “cost” to account for these new land uses in the community. The Chief was comfortable with the cost approach.

Table Nine  
Police Department Impact

<b>Department</b>	<b>FY 2021 Budget<sup>8</sup></b>	<b>Calls<sup>9</sup></b>	<b>Cost/call</b>	<b>Est. Calls</b>	<b>Annual Cost</b>
Police	\$21,159,649	66,533	\$318	106	\$34,000

## Fire Department

We also spoke with Barnstable Fire District Chief Francis Pulsifer relative to the proposed project. The Chief felt the estimated calls were an accurate reflection of potential activity and are what he would expect from a residential project of this size. The Department has no capacity issues and can adequately address any calls that may arise from the proposed project. At this time staffing levels are adequate.

<sup>8</sup> 2022 Budget document, includes benefits & insurance

<sup>9</sup> 2020 Town Report

As with the Police Department, to account for some impact from the proposed development a very conservative cost per call ratio was calculated which provides a gross estimated annual cost of \$138,924 as outlined in Table Ten.

Table Ten  
Gross Fire Department Costs

The Fire District generates revenues from Ambulance activity and in 2019 collected \$620,000 in fees or \$647 a call<sup>12</sup>. With an estimated 31 annual ambulance calls, \$20,057 in revenue is anticipated. Subtracting this revenue from the estimated gross costs outlined in Table Nine, results in a net Fire Department cost of **\$118,867**. The Fire Chief felt this was a reasonable approach for the distribution of costs. This is a very conservative estimate given the relatively low impact this use will have on the Department.

## Other Departments:

### Building

Building Department costs were not included in this analysis because they are not permanent annual impacts and will be offset by building permit fees<sup>13</sup>. Building

Department	FY 2021 <sup>10</sup> Budget	Calls Per Year <sup>11</sup>	Cost/call	Est. Calls	Gross Cost
Fire	\$4,113,506	1,510	\$2,724	51	\$138,924

permit fees estimated to generate approximately \$630,000 in revenue.

### Public Works

All roads within the development will be private and maintained by the property owner. Solid waste will be handled by a private contractor with no expense incurred

<sup>10</sup> Does not include water department costs; as Treasurer and Prudential costs are shared with the water department, 75% of these costs are allocated to Fire.

<sup>11</sup> 2019 Fire Department Report.

<sup>12</sup> 2019 annual report.

<sup>13</sup> Building permit \$9.10/\$1,000 est. const. cost.



by the Town. Not included in this analysis are water and sewer connection fees that will be generated by the project.

### **Other Departments**

It is not anticipated that measurable impacts will occur within other town departments and therefore detailed costs were not analyzed. However, to be conservative, a cost of \$100 per unit, or **\$27,200**, has been carried to offset any incidental municipal costs not specifically identified<sup>14</sup>.

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<sup>14</sup> Avg. \$100 per unit. No indication of capacity issues were found in other town departments based upon a review of FY2022 budget documents and Capital Improvement Plan.

## School Department

The Town of Barnstable public schools had a 2019/20 enrollment of 4,296 students housed in 8 schools (five elementary, two middle, and one high school). The 2022 local Public School budget was \$75,657,251.

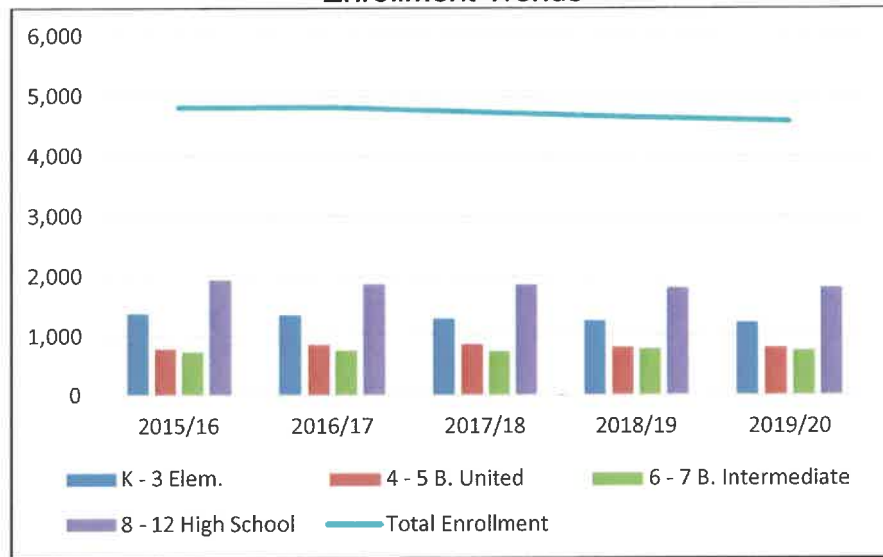
### Enrollment History

Overall school enrollment has been declining over the last five years, decreasing 4.66% overall (224 fewer students) as detailed in Table Eleven and Figure Three. Middle grade levels have seen an increase since 2015. West Barnstable Elementary School, which serves the subject site, has seen a decrease in enrollment of 3.92% since 2015 (149 fewer students). With the Pandemic impacting school enrollments over the last year, 2020/21 data was not taken into consideration.

Table Eleven  
Enrollment Trends 2015-2020

Grades	2015/16	2016/17	2017/18	2018/19	2019/20	% Change	2020/21
<b>K – 3 Barnstable Community Innovation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>292</b>		<b>292</b>
<b>K - 3 Elem.</b>	1,370	1,350	1,284	1,252	1,221	-10.88%	<b>1,114</b>
<b>4 - 5 B. United</b>	780	852	857	810	804	3.08%	<b>705</b>
<b>6 - 7 B. Intermediate</b>	729	754	737	781	756	3.70%	<b>708</b>
<b>8 - 12 High School</b>	1,933	1,866	1,857	1,802	1,807	-6.52%	<b>1,769</b>
<b>Total Enrollment</b>	4,812	4,822	4,735	4,645	4,588	-4.66%	<b>4,296</b>
<b>W. Barnstable Elem.</b>	255	260	260	258	245	-3.92%	<b>221</b>

**Figure Three  
Enrollment Trends**



#### **Projected School Enrollment Estimates**

To gain an understanding of the community’s potential school related fiscal impact, the anticipated number of school children that may be generated by the proposed development was analyzed. The proposed residential development will have a mix of one, two and three bedroom units with a majority being one bedroom units as detailed in Table Twelve. One bedroom units generate few school age children and consists of 58% of all unit types. Ten percent of the units will be designated as affordable.

**Table Twelve  
Bedroom Mix Breakdown**

<b>Bedroom Mix</b>	<b># Units</b>
One Bed Mkt.	142
One Bed Afford.	16
Two Bed. Mkt.	92
Two Bed Afford.	10
Three Bed Mkt.	11
Three Bed Afford.	1
<b>Total</b>	<b>272</b>

To estimate the number of potential school-aged children, we reviewed a detailed database containing over 1,000 apartment units<sup>15</sup> where enrollment is documented based upon unit type (garden style: bedroom type/market rate). Applying these ratios to the proposed complex, as outlined in Table Thirteen results in an estimated 34 school-aged children potentially residing within the proposed project. There is the potential that some of these students will already be enrolled in the school system, having moved from another apartment in the community. To be conservative this analysis has not taken that possibility into account.

**Table Thirteen**  
**Comparable School Enrollment Estimates**

<b>Bedroom Mix</b>	<b># Units</b>	<b>SAC Ratio</b>	<b>SAC</b>
One Bed Mkt.	142	0.009	1.278
One Bed Afford.	16	0.021	0.336
Two Bed. Mkt.	92	0.18	16.56
Two Bed Afford.	10	0.57	5.7
Three Bed Mkt.	11	0.812	8.932
Three Bed Afford.	1	1.19	1.19
School Age Children			<b>34</b>

Based upon grade profile data from other communities, it is anticipated that 20 school age children will be of elementary age, 7 students will attend middle school and 7 will be enrolled in the high school.

**Table Fourteen**  
**Estimated Enrollment Breakdown**

60% PK - Grade 6	20
20% Middle School	7
20% High School	7

## **School Costs**

Given the continued decline in enrollment realized over the last five years, it is unlikely that additional staff<sup>16</sup> will be required as estimated new students will be replacing seats vacated by former students. In order to account for some costs related to the new students, expenses related to special education will be carried.

<sup>15</sup> Wilmington, Sharon, Hingham, Northborough, Randolph.

<sup>16</sup> Efforts to discuss the proposed project with the School Superintendent were unsuccessful.

The percentage of students that require special educational services generally averages from 16-20% of the total student population. Average costs can range from \$10,000 - \$20,000 per student. To be conservative, we will account for 20% of the estimated new student population (7 students) requiring assistance at per pupil cost of \$20,000. This generates an estimated total school cost of **\$140,000**.

## FISCAL SUMMARY

Currently, the 40-acre property owned by CCH is exempt from real and personal property taxes. The property is comprised of an approximate 25,000 square foot medical office building and associated parking, with the balance of the land undeveloped.

As noted above, New England Development would acquire and develop, in phases, the Project Site with residential and commercial uses. CCH will retain ownership and operation of the contiguous portion of land which contains the existing Wilkens Outpatient Medical Complex as well as sufficient acreage to accommodate future expansion. The Project Site will become subject to taxation at an estimated value of \$121,000 per acre. As summarized in Table Fifteen, net new taxes to the Town generated by the non-exempt land, before any redevelopment, will be \$35,345 and to the Fire District, \$10,138.

Table Fifteen  
Vacant Land Property Tax Revenue

	<b>Area</b>	<b>Value/Unit</b>	<b>Total Value</b>
Undeveloped Properties	32.1	\$121,000	<b>\$3,884,100</b>
Town Tax Rate	\$9.10	Est. Revenue	\$35,345
Barnstable Village Rate	\$2.61	Est. Revenue	\$10,138

In connection with the development of the proposed residential project on Lot 3, the Town of Barnstable and the Barnstable Fire District will collect additional new tax revenues well in excess of the new costs summarized below. Lots 2 and 4 will still generate real estate taxes in an undeveloped condition.

Table Sixteen summarizes the fiscal impact from the proposed residential development. As detailed in the preceding sections, annual gross revenues from the residential development consist of real estate taxes, excise taxes and CPA funds, which total \$670,515 in annual gross project revenues<sup>17</sup> to the Town of Barnstable and \$143,063 to the Barnstable Fire District.

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<sup>17</sup> Includes taxes from remaining vacant land.

New costs to the Town in connection with the proposed development total \$201,200 and consist of Police, Fire, Schools, and other municipal department expenses. **As summarized in Table Sixteen, the new residential development on Lot 3 provides a net positive gain in revenues of \$469,316.**

Table Sixteen Barnstable Estimated Annual Fiscal Impact		
Gross Rev. Property Taxes, Excise Taxes & CPA		<b>\$670,515</b>
Estimated Municipal Costs		
	Police	-\$34,000
	Other Departments	-\$27,200
	School Costs	-\$140,000
	Total Costs	-\$201,200
Net Annual Positive Fiscal Impact		<b>+\$469,316</b>

The Barnstable Fire District, as outlined in Table Seventeen, will realize a positive fiscal impact of \$24,196.

Table Seventeen Barnstable Fire District Estimated Annual Fiscal Impact		
Gross Property Taxes		<b>\$143,063</b>
Estimated Municipal Costs		
	Fire Dept. Costs	<b>-\$118,867</b>
Net Annual Positive Fiscal Impact		<b>+\$24,196</b>

Fougere Planning is not suggesting that budgets should be increased to offset the noted costs, but these conservative findings should be viewed as potential costs and future budget increases will be addressed by Town officials through the standard budgetary process. These “costs” will not be incurred by the Town unless budgetary increases are approved.

# Site Plan Exhibit





# Appendix

## Emergency Call Data

Project	Town	Units	Avg. Police Calls Per Year	Avg. Call Per Unit
Arlington 360	Arlington	274	62	0.226
Brigham Square	Arlington	119	24	0.202
The Lodge	Foxborough	250	74	0.296
Union Place	Franklin	297	73	0.247
Avalon - Shipyard Garden	Hingham	91	14	0.154
Fairfield Green	Mansfield	200	146	0.728
Pembroke Woods	Pembroke	240	92	0.385
Blue Hills	Randolph	274	148	0.540
Avalon Newton Highlands	Newton	294	153	0.520
Avalon Chestnut Hill	Newton	204	67	0.328
Arborpoint Woodland	Newton	180	22	0.120
Cloverleaf	Natick	183	82	0.448
Berry Farms	North Andover	196	91	0.464
Everly	Wakefield	186	117	0.629
Vista Apartments	Wakefield	114	48	0.421
<b>Totals</b>		3,102	1,213	<b>0.391</b>
<b>Proposed Apartment Calls</b>		272		<b>106</b>

Project	Town	Units	Avg. Fire Calls Per Year	Avg. Call Per Unit
Arlington 360	Arlington	274	12	0.044
Brigham Square	Arlington	119	6	0.050
The Lodge	Foxborough	250	26	0.105
Union Place	Franklin	297	19	0.063
Avalon - Shipyard Garden	Hingham	91	8	0.088
Fairfield Green	Mansfield	200	43	0.213
Pembroke Woods	Pembroke	240	9	0.036
Blue Hills	Randolph	274	10	0.035
Cloverleaf	Natick	183	7	0.038
Avalon Newton Highlands	Newton	294	26	0.088
Avalon Chestnut Hill	Newton	204	11	0.053
Arborpoint Woodland	Newton	180	12	0.064
Berry Farms	North Andover	196	20	0.102
Vista Apartments	Wakefield	114	4	0.035
Everly	Wakefield	186	18	0.097
<b>Totals</b>		3,102	229	<b>0.074</b>
<b>Estimated Fire Calls</b>		<b>272</b>		<b>20</b>
Project	Town	Units	Avg. EMS Calls Per Year	Avg. Call Per Unit
Arlington 360	Arlington	274	14	0.051
Brigham Square	Arlington	119	8	0.067
The Lodge	Foxborough	250	24	0.096
Union Place	Franklin	297	44	0.148
Avalon - Shipyard Garden	Hingham	91	21	0.231
Fairfield Green	Mansfield	200	25	0.123
Pembroke Woods	Pembroke	240	70	0.293
Blue Hills	Randolph	274	28	0.101
Cloverleaf	Natick	183	24	0.131
Avalon Newton Highlands	Newton	294	26	0.088
Avalon Chestnut Hill	Newton	204	9	0.044
Arborpoint Woodland	Newton	180	7	0.036
Berry Farms	North Andover	196	24	0.122
Vista Apartments	Wakefield	114	13	0.114
Everly	Wakefield	186	15	0.081
<b>Totals</b>		3,102	351	<b>0.113</b>
<b>Estimated EMS Calls</b>		<b>272</b>		<b>31</b>

## **EXHIBIT K**

### **Traffic Approach Summary**

Similar to the Approved Project, the Proposed Project will be advanced in phases, with the initial phase (“Phase 1”) to include a 25,000± sf expansion of the Wilkens Outpatient Medical Complex on Lot 1 and the construction of a multifamily residential community of approximately 270 units on Lot 3. Specific development proposals for Lot 3 and Lot 4 are not known at this time and will be brought forward once a use or uses are identified for these lots.

As discussed with Commission Regulatory Staff, the Applicant will advance the necessary studies for Phase 1 to demonstrate compliance with the Regional Policy Plan (as amended through March 30, 2021, the “RPP”), while noting that there will be a net reduction in traffic for Phase 1 when compared to the traffic that was associated with the Approved Project and for which specific improvements were constructed and off-setting mitigation payments were made. These studies will: i) update the context of the Proposed Project in relation to the existing transportation infrastructure, both as constructed and with consideration of current planning for land use and pedestrian, bicycle and public transportation accessibility; ii) quantify the traffic reduction associated with Phase 1 vs. the Approved Project; iii) provide the status of the mitigation measures that were required for the Approved Project; and iv) demonstrate compliance with the access, safety and trip reduction goals of the current RPP. An approach to allocating the specific mitigation measures that were associated with the Approved Project to trips generated by the Proposed Project will be developed, as it relates to congestion mitigation. This allows mitigation to be associated with specific development phases given the current contemplated mixed-use nature of the Proposed Project. Such an approach ensures that the appropriate improvements are advanced to mitigate the impact of the contemplated land use(s) that are proportionate to the intensity of the use(s) and the corresponding impact on the transportation infrastructure.

A pedestrian and bicycle master plan will be developed for the Proposed Project that will include accommodations for Phase 1 and illustrate connectivity to the balance of the Project Site and to existing and proposed pedestrian and bicycle facilities. In addition, an updated Transportation Demand Management (“TDM”) program will be developed to reflect measures that are appropriate for the mixed-use nature of the Proposed Project, including the residential use that will be a part of Phase 1, and to incorporate the changes to transportation resources and policies that are available to reduce trips and encourage the use of alternative modes of transportation to single-occupancy vehicles.

Subsequent phases of the Proposed Project, when brought forward, will be subject to the same review thresholds, regulatory standards and criteria as Phase 1 as they relate to traffic and transportation, with each subsequent phase documenting the cumulative change in trips vs. those associated with the Approved Project, compliance with the access, safety and trip reduction goals of the RPP, and the specific mitigation measures that are associated with the development phase.

**EXHIBIT L**

**Affordability Narrative**

[See attached]

## Affordability Narrative

*Wilkins Lane*

Barnstable, MA



### **Project Description:**

The project is located on a 10.7 acre parcel of undeveloped land located at the juncture of Wilkens Ln and Kidd's Hill Rd in the village of Hyannis, MA (the "Site"). A portion of the Site will be developed as a high-quality multi-family rental project totaling 272 units, of which 10% (28 units) will be affordable at the 65% AMI limit in accordance with the Barnstable Bylaw (the "Project"). The Project will include three, four-story wood framed residential buildings served by a combination of surface and detached garage parking. Residential amenities consist of a professionally landscaped courtyard, resort-style pool, and clubhouse with a demonstration kitchen, fitness center, conference rooms, among additional inclusions. The planned unit design and finishes are typical of recent Hanover product including, but not limited to, stainless appliances, laminate wood floors, and natural stone countertops.

### **Cape Cod – Housing Market:**

Over the past decade, Cape Cod has experienced a significant surge in seasonal housing demand. The conversion of year-round units to seasonal units continues to apply upward pressure on home values, making it much more difficult for Cape Cod residents to find year-round housing at affordable prices. From 2012 to 2020, Cape Cod's Zillow Home Value Index (ZHVI) has increased 41% to \$491,000. This rise in pricing coupled with limited housing supply growth has constricted the available units suitable for year-round residents. In 2017, it was estimated that Cape Cod was short approximately 22,000 housing units obtainable to income categories below \$90,000. At that time, it was also projected that an additional 2,700 units were necessary by 2025.

### **Project Affordability Program:**

The Project will reserve 10% of the units (28 units) as affordable at the 65% Area Median Income Limit in accordance with the Barnstable Bylaws. The affordable units will be proportionate to the market rate units in terms of unit mix and location within the Project. The affordable units will match the unit finishes of the market rate units and have access to all of the same amenities. As currently proposed the mix of affordable units would include 17 one bedroom, 10 two bedroom, and 1 three bedroom units, which is proportionate to the market rate unit mix.

The affordable units will be restricted as Local Initiative Program Local Action Units, which will require a regulatory agreement be executed in a form acceptable to the Department of Housing and Community Development to ensure long-term monitoring and compliance with State guidelines. The affordable units will be counted on Barnstable's Subsidized Housing Inventory. A third party consultant will be used to market the affordable units and run the affordability housing lottery in compliance with the regulatory agreement.

With the inclusion of 28 affordable units within this project, the Project will provide a viable housing option for individuals making at or below 65% of the Area Median Income. The 2021 65% income limits for this MSA range from \$44,241 for a 1 person household, up to \$63,172 for households consisting of 4 people. Additionally, the market rate unit mix will provide a range of housing options for individuals and families making from \$69,200 for the smaller units, and up to \$118,800 for larger units.

**EXHIBIT M**

**Sustainability Narrative**

[See attached]

## **Sustainability Narrative**

Wilkens Lane

Barnstable, MA

### **Project Description**

The Project is located on a 10.7 acre parcel of undeveloped land located at the juncture of Wilkens Ln and Kidd's Hill Rd in the village of Hyannis, MA (the "Site"). A portion of the Site will be developed as a high-quality multi-family rental development including 272 units, of which 10% will be affordable at the 65% AMI in accordance with the Barnstable Zoning Ordinance (the "Project"). The Project is designed to include three, four-story wood framed residential buildings served by a combination of surface and detached garage parking, as shown on Exhibit A attached. Residential amenities consist of a professionally landscaped courtyard, resort-style pool, and clubhouse with a demonstration kitchen, fitness center, conference rooms, an e-lounge, and other highly appointed amenity spaces. The planned unit design and finishes are designed to include stainless appliances, laminate wood floors, natural stone countertops, and will be of the highest quality available in the marketplace.

### **Sustainability Objective**

The Project will achieve an NGBS Bronze certification by incorporating the sustainability initiatives outlined herein and will meet or exceed the Massachusetts Stretch Code.

### **Site Sustainability**

#### **Location**

The Site, a former gravel pit, was previously disturbed and is generally void of mature vegetation, making it an ideal location for redevelopment. The Project is located in close proximity to adjacent retail at Festival at Hyannis, the Hyannis Mall, and the Christmas Tree Shops, and has been designed to allow for connectivity to the existing pedestrian and bicycle facilities nearby. The Site's adjacency to commercial and retail spaces provides the opportunity for multimodal transportation and reduces the generation of single occupancy vehicles.

#### **Site Design and Layout**

The Site is oriented around a continuous, inter-connected courtyard that provides tenants access to highly amenitized and functional open spaces. The inclusion of pet-friendly spaces, multiple lawn areas, and robust landscaping are designed to enhance the natural landscape and provide gathering spaces for residents and guests. The units and amenities will provide ample work from home spaces to help reduce the generation of vehicle trips. The Project incorporates ADA compliant pedestrian circulation within and around the development. The Project provides for electrical vehicle charging in select bays of the detached garages and includes secure bicycle accommodations.

#### **Landscaping and Site Lighting**

The Project landscaping focuses on a drought tolerant, hardy New England planting palette that thrives in the local climate and allows for reduced watering requirements. Native, low impact selections, and Cape Cod specific cultivations have been incorporated based on local guidelines. As illustrated on the Site Plan there is a large vegetative buffer consisting of mature pine and oak trees along Kidds Hill Road. The Project places significant value in these trees and proposes protective fencing and professional arboriculture services to



ensure the longevity of this existing vegetation. An onsite private well will be used for all irrigation if feasible. Planting beds will utilize drip irrigation monitored by rain sensors to maximize water efficiency. Light colored hardscape materials will be used to reduce urban heat island effects. Permeable pavers and other porous surfaces will be used where possible to reduce impervious area. All site lighting will be low energy use LED fixtures and will comply with dark sky initiatives.

## **Stormwater**

The Stormwater Management system has been designed to exceed the requirements of the Massachusetts Department of Environmental Protection Stormwater Management Standards. All stormwater runoff from paved areas will be collected in deep sump hooded catch basins and will pass through hydrodynamic water quality units prior to discharging to subsurface infiltration systems. The stormwater management system will remove over 80% of Total Suspended Solids (TSS). All impervious surfaces (paved areas, sidewalks and buildings rooves) will be directed to subsurface infiltration systems and recharged to groundwater. The infiltration systems are designed to completely infiltrate the 100-year storm event. Additionally, a long-term operation and maintenance plan has been developed and will be implemented once construction is complete. The long-term maintenance plan details routine maintenance to ensure proper functioning of the stormwater management system.

## **Design and Construction Sustainability**

### **Building Design**

The Project will be designed with a white roof and high-performance building envelope. The flat roof design allows for the residential condensing units to be housed on the roof instead of on the ground, further reducing impervious area and visual interruption of the Project's landscaping by mechanical equipment. The condensing units will be mounted along a pony wall centered on the roof in order to be screened from view to the maximum extent possible, this also serves to reduce noise and vibration in the units below, the condensers are primarily located over the common corridors. Areas of the flat roof not obstructed by condensing units or mechanical penetrations will be identified as solar ready roof areas so PV panels may be added in the future. The Project proposes running the electrical conduit and incorporating the structural requirements necessary for future addition of PV panels. At this time PV panels are not proposed to be added as the current PV infrastructure lacks the efficiency necessary to make an impact on the Project's greenhouse gas impacts. The Project will include a passive under slab ventilation system for the reduction of radon.

### **Mechanical Systems and Utilities**

The residential units will be served by high efficiency heating and cooling systems utilizing air sealed ductwork, along with on demand hot water heaters and EnergyStar appliances. All residential units will have operable windows as a passive design strategy. Utilities will be individually metered to each residential unit. Inclusion of electric heat pumps was evaluated, but due to their lack of efficiency in this climate they would cause undue economic hardship to residents' electrical bill, so they are not proposed. Smart control systems for heating and air conditioning will be implemented throughout the Project, along with motion activated lighting in all public facilities. Low flow WaterSense Rated plumbing fixtures will be utilized in all units and public facilities. All apartment units will utilize LED lighting throughout as well as have EnergyStar compliant kitchen appliances.

### **Construction Materials and Operations**

Construction of the Project will follow a detailed construction management plan that will be formed in coordination with the Barnstable Building Services Department and will include restrictions regarding vehicle

idling times and dust control. Construction of the Project will include the use of locally sourced materials whenever possible, along with pre-finished wood flooring and cabinetry. Low VOC paints and coatings will be used throughout the interior of the building to reduce carbon-containing substances prone to vaporizing at room temperature. Efforts will be made to reduce construction waste where possible, and recycling of appropriate construction waste will be implemented. The Project will recycle 70% or more of all construction debris hauled off of the site.

### **Building Operations**

#### **Sustainable Management and Operational Procedures**

The onsite property management team will implement a long-term capital facilities maintenance plan in order to ensure proper functioning of the building systems. Quarterly preventative maintenance inspections will be conducted in all residential units and of all fire and life safety equipment. All cleaning will be done using environmentally conscious cleaning products from Spartan Chemical. All landscape treatment will be done using child and pet-friendly products. Snow melt products will be Calcium Magnesium Acetate (CMA) which is also environmentally and pet friendly. A member of the management team will be deputized as the Project's transportation coordinator, and the management office will include information on available public transportation in the area. The Project and Site will be non-smoking both during construction and upon completion.

Exhibit A



**EXHIBIT N**

**Design Guidelines**

[See attached]

## **Wilkens Lane Multifamily Residential Design Guidelines**

### **Table of Contents**

1. Introduction
  - A. Applicability
  - B. Objective
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  - B. Corners
5. Building Elevations
  - A. Bay Systems
  - B. Bay Types
  - C. Facades
6. Ancillary Elements
  - A. Service Areas
  - B. Yard Areas (Edges)
  - C. Mechanical Equipment
  - D. Accessory Buildings

### **1. Introduction**

#### **A. Applicability**

The Wilkens Lane Multifamily Residential Design Guidelines are applicable to multifamily residential projects at the Project Site, the remaining 32-acre area of land located at the Property, the 40 acres of land located at 35 Wilkens Lane in Hyannis, MA currently owned by the Cape Cod Hospital.

#### **B. Objective**

The objective of the Wilkens Lane Multifamily Residential Design Guidelines is to provide a comprehensive set of standards encouraging proposed designs consistent with those of the surrounding commercial corridor. Proposals should display respect for the climate, geography, time and culture of this commercial corridor and project a safe environment for the pedestrian and residents. Buildings, and pedestrian and vehicular circulation should be organized around common areas such as a courtyard and should promote community and communication. Materials and scale should be consistent with the surrounding commercial and multifamily residential uses. These Guidelines should act as a template for design, but should not limit design imagination.

## **2. Glossary of Terms**

**Primary Entry-** This volume will be expressed as the dominant massing feature of the main façade. For multiple building projects the Primary Entry shall be located at/near the public entrance of the common area amenity building.

**Secondary Entry-** Secondary entries to the building(s) shall be less dominant in visual hierarchy. Utilization of canopies or other architectural wayfinding elements may be considered.

**Mass-Breaking Element-** Visual element that creates visual interest by disrupting continuity of the façade. Mass-Breaking Elements should incorporate a visually significant change in color, texture, material palette, or include a horizontal and/or vertical projection or setback along the façade. Balconies, including Romeo and Juliet balconies, eyebrow canopies, sunshelves, or overframing shall also be considered as mass breaking.

**Repetitive Bay Element-** A minor visual feature that establish a rhythm along a façade to reinforce the bay system.

**Bay-** The main form of vertical division.

**Base, Body, Roof-** The main form of horizontal division.

**Corner Anchor-** An element that creates visual definition at a corner through addition or erosion from the main building mass.

\* The Building Mass elements are intended to assist designers in breaking down the scale of the building such that it relates to the residents and nearby commercial buildings. Designers are encouraged, but not required to use these elements.

## **3. Building Materials**

Building materials that are commonly used and that are compatible with the surrounding commercial and residential environment shall be utilized. The goal for the designers of the buildings in this area will be to demonstrate knowledge of the regions existing landscape and the nature of materials that parallel this particular corridor of Cape Cod, while acknowledging the necessities of technologies and environments of the proposed program. It is expected that the architecture will find a genetic match more at kin with the commercial or institutional structures found on the Cape. The buildings shall be composed of masonry, lap/clap board siding and cementitious panel siding.

Windows shall be proportioned with the scale of the building mass. All living rooms shall have a minimum of 8'-0" wide and 8'-0" tall windows/sliders and Bedrooms shall have a minimum of 6'-0" wide and 6'-0" tall windows.

Cementitious siding and or trim products shall have a matte finish and smooth texture. The design may incorporate a metal reveal system for the large format panel siding to simulate a higher quality finish similar to the aesthetic of a metal panel system.

## **4. Building Massing**

### **A. Height, Roofs, and Canopies**

Overall building heights shall be measured in the number of floors, each not exceeding 14-feet floor to floor. The maximum number of floors shall not exceed four, and no building shall exceed a maximum height of 55 feet as measure to top of roof deck. The above heights do not include parapets, elevator overruns, or any other similar projections. Pitched roofs shall have a minimum pitch of 4 inches in 12 inches and a maximum

pitch of 9 inches in 12 inches. Any attached or detached structures with pitched roofs shall have a similar pitch, except in the case of a broken roof pitch which is allowed over covered projections. Flat roofs are permitted with a minimum parapet height of 2'. Parapets may be used to screen roof equipment and projections to the maximum extent practical.

Each Primary Entry and Secondary Entry shall utilize awnings and/or canopies to announce building entries to the pedestrian circulation systems. The heights of the awnings and/or canopies are to be proportional with the height of the first floor of the building or the extended height of a building entry. The awning and/or canopy may be incorporated into the building form, but should break the building façade.

## **B. Corners**

The building corners are especially important in maintaining the cohesiveness of the site plan and relating each building to the next. Building corners should attempt to be visually anchored. A change in materials, color, or texture, may also be used to create visual interest at corners. Primary Entry is preferably located along the façade facing the main entry drive to bring awareness to the leasing and management office. Primary Entry and any Secondary Entry should be located along façades facing the car park.

## **5. Building Elevations**

### **A. Bay Systems**

After establishing the Primary Entry and any Secondary Entry, the building(s) should be divided into visual bays consistent with multifamily residential and commercial buildings in the surrounding area. These elements should create a division of the façade through the use of architectural patterns or rhythms and may not necessarily relate to a structural bay.

### **B. Bay Types**

Bays are further divided into three horizontal elements:

Base – The first floor of the building, which should have a greater percentage of fenestration on the facade especially when the building has a Primary Entry. It should also feature a strong base element, either color or material, that runs around the building and visually anchors the building to the ground.

Body – The middle floors of the building which may have less openings than the base portion and may utilize a simplified exterior material palette.

Roof – The roof part of the facade. In the case of a flat roof, varying parapet heights and materials may be used to create visual interest and or hierarchy.

A bay should be composed of all the above horizontal elements. Each of the horizontal elements may be designed independently to suit the programmatic needs of the project.

### **C. Facades**

In order to reduce the visual scale of the building(s) to be consistent with the aesthetic of the surrounding uses, long repetitive facades should be interrupted by Mass-Breaking Elements as follows:

On the Primary Entry façade, as the name suggests, the site intention is to create an appearance with more significance in scale. Canopies that visually reduce the building to a more human-scale are recommended, as are additional Mass-Breaking Elements, such as Romeo and Juliet balconies that protrude from the main building volume. At least one Mass-Breaking Element for every 25' of facade is recommended.

On all other facades, one Mass-Breaking Element for every 75' of uninterrupted facade is recommended. Two or more Mass-Breaking Elements do not necessarily have to be evenly spaced along the facade but may be grouped to create specific visual interest at a certain point.

Bays may be combined in groups, as long as a sense of visual repetition and rhythm is adequately achieved along the length of the facade. Repetitive Bay elements such as Romeo and Juliet balconies, window patterns, or facade detailing may be used to support the rhythm of the Bay system.

Building sides may differ in their massing, materials, and have fewer openings depending on its adjacent features, but all sides of a building must be of a similar language.

## **6. Ancillary Elements**

### **A. Service Areas**

Trash collection shall be in a centralized location on the project site. Any commercial compactor and trash enclosure shall be screened with landscaping and exterior walls that are compatible with the overall residential architecture. Each building shall have a primary resident move-in location that is easily accessible from the surface parking lot and adjacent to the building elevator.

### **B. Yard Areas (Edges)**

A clear emphasis should be made on circulation and drop-off along the entry side of the building(s) from the service and parking sides. Each building edge shall provide clear zones for planting, safe pedestrian circulation, and a strong visible building entry. The entry/exits of each building shall be interconnected with a delineated pedestrian circulation pathway. Accessible pathways to primary building elements shall be provided as required by local code.

Landscaping shall be utilized to soften the edges of the building facades and to break down the overall scale.

Future resident and guest parking shall be located near the Primary Public Entry. Parking shall be planned throughout the site to provide convenient access to all sides of the site.

### **C. Mechanical Equipment**

Utilities, such as mechanical air handling units, shall be screened to the maximum extent practical. Flat roofs shall be utilized to house mechanical equipment atop the residential buildings, and a parapet wall consistent with the surrounding retail and commercial uses shall be incorporated as part of the design and used for screening. Landscaping may be utilized to provide screening for ground level meters, or other infrastructure type utilities as allowed by code and the utility providers.

### **D. Accessory Structures**

Secondary freestanding structures such as parking garages, bike rooms, mailrooms, and maintenance rooms shall be designed to be architecturally compatible to the primary structures.



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**EXHIBIT O-I**

**Proposed ANR Plan**

[see attached]



**LOCUS MAP**

SCALE 1"=2000'  
ASSESSORS MAP 298 PARCEL 38  
BARNSTABLE FIRE DISTRICT

**ZONING SUMMARY**

ZONING DISTRICT: RD DISTRICT  
MIN. LOT SIZE: 20,000 S.F.  
MIN. LOT FRONTAGE: 60'  
MIN. FRONT SETBACK: 30'  
MIN. SIDE SETBACK: 30'  
MIN. REAR SETBACK: 30'  
MAX. BUILDING HEIGHT: 30'  
MAX. LOT COVERAGE: 0.40  
MAX. F.A.R.: 0.40  
\*FRONT LANDSCAPE BUFFER: 45'  
\*SIDE AND REAR LANDSCAPE BUFFER: 30'  
\*MIN. DISTANCE BETWEEN MEDICAL SERVICES OVERLAY DISTRICT PROTECTION OVERLAY DISTRICT

**OWNER OF RECORD**

CAPE COD HOSPITAL  
37 PARK ST.  
BARNSTABLE, MA 02601

**REFERENCES**

- PB 547 PG 1
- PB 544 PG 14
- PB 545 PG 11-17
- PB 546 PG 11-17
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- PB 549 PG 11-17
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**NOTE:**

THE LAND SHOWN ON THIS PLAN IS SUBJECT TO A DEVELOPMENT AGREEMENT BETWEEN COA AND THE T.O.B. PLANNING BOARD DATED 12/14/78.  
THIS PROPERTY IS SUBJECT TO COMPLIANCE WITH THE DEVELOPMENT AGREEMENT DATED 12/14/78.  
THIS PROPERTY IS SUBJECT TO COMPLIANCE WITH THE SUBDIVISION ACT.  
TOM PARCELS IS TO BE CONSIDERED TOM PARCELS PURSUANT TO CAPE COD HEALTHCARE, INC. DEVELOPMENT AGREEMENT WITH CAPE COD COMMISSION DATED 3/20/03.

**PLAN OF LAND OF  
#35 WILKENS LANE  
BARNSTABLE, MA**

PREPARED BY  
**CAPE COD HEALTHCARE**

DATE: FEBRUARY 20, 2019

Scale: 1"=100'  
0 50 100 150 200 250 FEET

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH REGISTRY OF DEEDS CHAPTER 266, SECTION 27B, AS AMENDED JANUARY 7, 1976, AND AS AMENDED JANUARY 7, 1988.

**down cape engineering, inc.**  
civil engineers  
100 Main Street, Suite 201  
Barnstable, MA 02603  
Phone: 508-558-4444  
Fax: 508-558-4444  
downcapeeng.com

DATE: DANIEL A. GUALA, P.L.S.

FOR REGISTRY USE

TOWN PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

DATE: \_\_\_\_\_

AND DETERMINATION AS TO COMPLIANCE WITH THE ZONING ORDINANCE AND THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

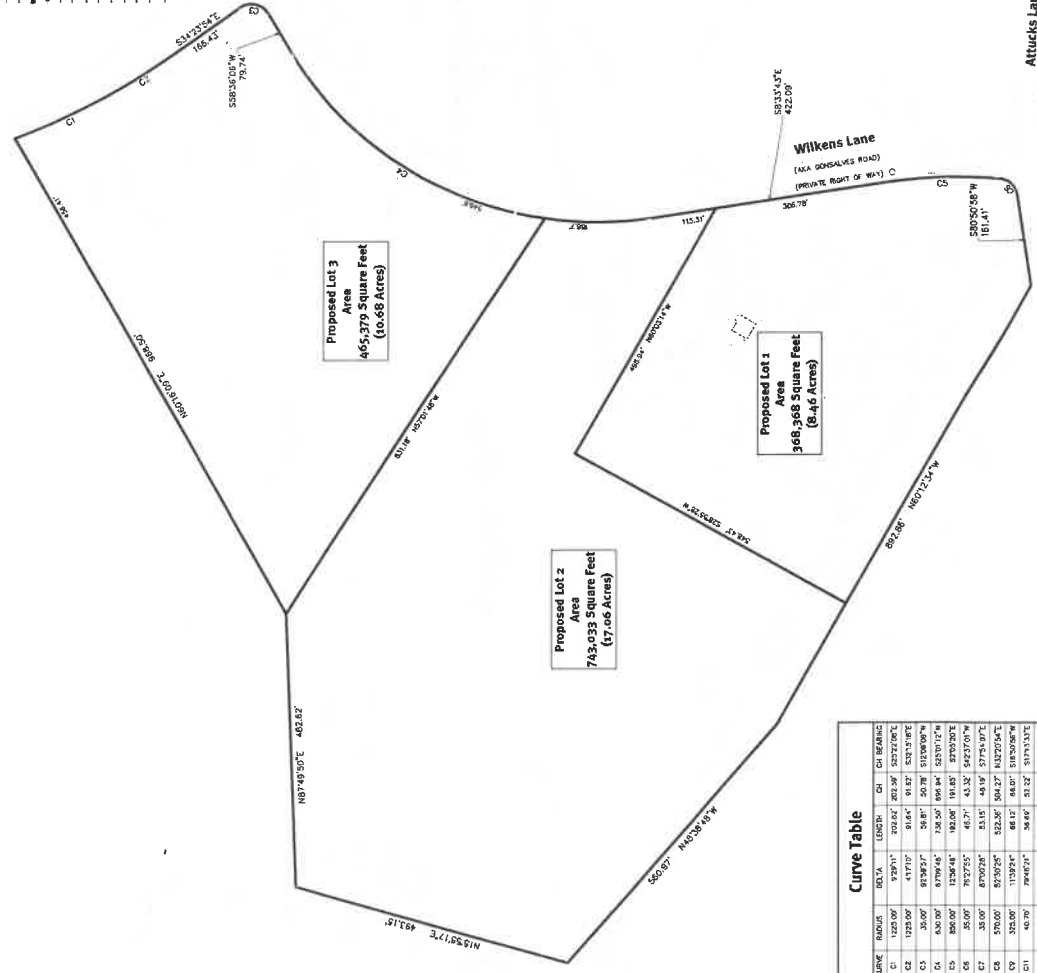
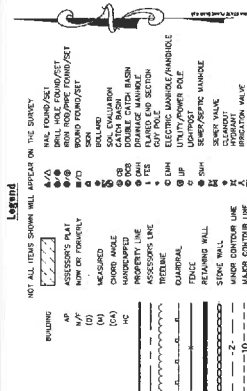
INTENDED BY THE ABOVE ENGAGEMENT

**[FOR REVIEW]**

**EXHIBIT O-II**

**Conceptual Lot Division Plan**

[see attached]

[illegible]

Curve	Radius	50% Length	Ch	Ch Elevation
C1	125.00'	47.10'	202.92'	522.72'DOC
C2	125.00'	47.10'	202.92'	522.72'DOC
C3	125.00'	47.10'	202.92'	522.72'DOC
C4	125.00'	47.10'	202.92'	522.72'DOC
C5	125.00'	47.10'	202.92'	522.72'DOC
C6	125.00'	47.10'	202.92'	522.72'DOC
C7	125.00'	47.10'	202.92'	522.72'DOC
C8	125.00'	47.10'	202.92'	522.72'DOC
C9	125.00'	47.10'	202.92'	522.72'DOC
C10	125.00'	47.10'	202.92'	522.72'DOC
C11	125.00'	47.10'	202.92'	522.72'DOC
C12	125.00'	47.10'	202.92'	522.72'DOC