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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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DECISION

APPLICANT: New England Development &
Cape Cod Healthcare, Inc./ Cape Cod Hospital
c/o Michael D. Ford, Esq., Ford & Ford Attorneys at Law
72 Main Street, P.O. Box 485, West Harwich, MA 02671

Re: **Notice of Intent to Modify a Development Agreement**

PROJECT: Wilkens Campus Development Agreement (CCC File #02014)

PROPERTY/ SITE: Wilkens Lane fka Gonsalves Way, Barnstable (Hyannis), MA 02630
Town Assessors Map 295 Parcel 004-001; Map 296 Parcel 39
Deed Book 18163 Page 147
Plan Book 547 Page 1, Lot 4; Plan Book 588 Page 40, Lots A & C

DATE: October 1, 2020

****Development Agreement Recorded in Book 18163 Page 125****

FINDINGS

The Cape Cod Commission finds as follows:

1. Pursuant to Section 5 of Chapter D: the Code of Cape Cod Commission Regulations of General Application, as amended (effective November 2014) (“Development Agreement Regulations”), the Applicant submitted to the Cape Cod Commission (Commission) a Notice of Intent (NOI) dated August 6, 2020 proposing to modify an existing development agreement with the Commission.
2. The subject development agreement, dated March 20, 2003, was entered into by and between Cape Cod Healthcare, Inc. (CCHC or Cape Cod Healthcare) and the Cape Cod Commission to permit the development of the Wilkens Campus, and has previously been modified and extended (“Development Agreement”). The Development Agreement authorizes ambulatory medical uses and development at the Property up to a total potential of 263,000 sq. ft. As extended, the Development Agreement is in effect through 2027.
3. The Property consists of approximately 40 +/- acres of contiguous land,
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configured in multiple lots or parcels. Wilkens Lane has been constructed and Cape Cod Healthcare has to date constructed a building of 23,500+/- sq. ft. on the Property under the Development Agreement.

4. Cape Cod Hospital, which is operated under or within the structure of Cape Cod Healthcare, is the record owner of the Property.
5. In filing the NOI, the Applicant requests a determination from the Commission that the proposed amended development program for the Property described in the NOI is eligible and suitable for a Modification to the Development Agreement.
6. In the NOI the Applicant proposes to Amend and Restate the Development Agreement to authorize an amended, mixed-use development program for the Property. CCHC would retain an 8.5 +/- ac. lot with the ability to expand its existing Site development for medical uses. NED acquire rights in the Property and would propose large-format retail on a 17 +/- ac. lot; up to 270 residential units (including affordable units) in three buildings on an 11 +/- ac. lot; and reserve a 4.5 +/- ac. lot for future, yet undetermined use and development.
7. The Applicant provided in its NOI a conceptual site plan depicting the proposed amended development program for the Property; a copy is attached to this Decision.
8. The Applicant is investigating whether review will be required for the proposed, amended development under the Massachusetts Environmental Policy Act.
9. The Town Manager's office provided a letter in support of the NOI dated April 28, 2020, which was included in the NOI.
10. The Project would benefit from a comprehensive review of its foreseeable and planned elements to allow for efficient planning and implementation of infrastructure needs. This comprehensive approach would also result in administrative efficiencies for the Commission, better coordination between the Commission and Applicant, and a more coherent and interrelated development of the Property.
11. At its September 3, 2020 meeting on the NOI, the Committee on Planning and Regulation (CPR) voted to recommend to the Commission that the proposed amended development is eligible and suitable for a Modification to the Development Agreement as a Major Modification. Staff prepared and distributed a report on the NOI in advance of this meeting.
 - a. Per the Development Agreement Regulations, a Major Modification requires a full public hearing and review/ approval by the full Commission.
12. The Commission held a hearing on the NOI October 1, 2020.

CONCLUSION/ DETERMINATION

The Commission hereby finds and determines that the proposed amended development described in the Applicant's Notice of Intent:

- meets the criteria under Section 5(a) of the Commission's Development

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Agreement Regulations; and

- is eligible and suitable for a Modification to the Development Agreement by and between Cape Cod Healthcare and the Commission.

The Applicant may proceed to apply for a Major Modification of said Development Agreement with the Commission, in accordance with the requirements set out in the Development Agreement Regulations and other of the Commission's guidance documents, within one year of the date of this Decision, which time may be extended under the relevant provisions of said Development Agreement Regulations.

(Signature page follows)

SIGNATURE PAGE

Executed this 1st day of October 2020.

For the Cape Cod Commission by:

Harold W Mitchell
Signature

Harold W Mitchell - Chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

October 1st, 2020

Before me, the undersigned notary public, personally appeared Harold Mitchell, in his/her capacity as Chair, Cape Cod Commission of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.

Lisa Dillon
Notary Public
My Commission Expires: 8/28/2026

SEAL

