



CAPE COD
COMMISSION

Development of Regional Impact (DRI) Referral Form

This form is to be completed by the referring municipal agency's authorized representative. Please attach a copy of the municipal development permit application pending before the municipal agency, showing the date on which it was received. Application materials should be transmitted to the Commission sufficient to describe the project and support the referral. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of the Cape Cod Commission Act and Regulations. Form continues on the back.

Referred by (Municipal Agency): TOWN OF DENNIS

Mandatory Referral Full Discretionary Referral Limited Discretionary Referral

Project Name: ONE LOVE LANE, SOUTH DENNIS LLC.

Project Location: 1 LOVE LANE, SOUTH DENNIS M168 - P9

Applicant Name: HOUSING ASSISTANCE CORP, HAC LOVE LANE LLC.

Contact Address: 460 WEST MAIN STREET, HYANNIS, MA 02601

pfreeman@freemanlawgroup.com

Email: ktrott@haconcapecod.org Telephone: 508-771-5400

Brief description of the project including, where applicable, gross floor area, lots, units, acres and uses (please use additional sheets as necessary): Proposed change in use of an approximately 57,000 square foot private Health Care facility to a private educational use on an approximately 5.4 acre parcel of land situated in the Industrial zoning district on the Town line of Dennis and Harwich, per Chapter A, section 3(f.1)

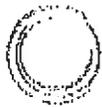
List municipal agency(ies) before which a municipal development permit is pending or required for the project: (please use additional sheets as necessary): Required Building Permit - Town of Dennis

Paul Fowler, Building Commissioner  3/11/2024
Print Name of Authorized Signature Date
Referring Representative/Title

Mail or Deliver to:
Cape Cod Commission Attention: Commission Clerk
3225 Main Street, PO Box 226
Barnstable, MA 02630

RECEIVED

APR - 1 2024



Development of Regional Impact (DRI) Referral Form Continued

Prior to making any referral, the Commission recommends that the municipal agency contact Commission staff to confirm process and discuss other relevant issues under the Commission's regulations; and specific to limited discretionary referrals, this discussion might eliminate the potential for misunderstanding about the scope of Commission review under the particular Cape Cod Regional Policy Plan (RPP) issue areas requested.

For Mandatory Referrals: Please indicate the review threshold(s) the project meets/exceeds from Sections 2 and 3 of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact.

For Any Discretionary Referrals: A referring agency should provide support about why it believes a project, that does not otherwise meet or exceed a review threshold, has regional impact and thus should require Development of Regional Impact (DRI) review. A municipal agency making a discretionary referral may request DRI review for one or more, or all, the Issue areas of the RPP under which the agency maintains that the project will have regional impact (the RPPs issue areas are set forth below). A "limited" discretionary referral is one that requests review under one or more but fewer than all the RPPs issue areas. If a limited discretionary referral is accepted for DRI review, the Commission will limit its RPP consistency review only to those Issue areas specified by the referring agency and accepted for review by the Commission.

Please indicate below the RPP Issues under which the municipal agency seeks DRI review:

NATURAL SYSTEMS

- Water Resources
- Ocean Resources
- Wetlands
- Wildlife & Plant Habitat
- Open Space

COMMUNITY SYSTEMS

- Cultural Heritage
- Economy
- Housing

BUILT SYSTEMS

- Community Design
- Coastal Resiliency
- Capital Facilities & Infrastructure
- Transportation
- Energy
- Waste Management
- Affordable Housing

Effect of referral on local board's time limitation to review an application: For mandatory DRIs, local review and the corresponding time periods for review are suspended immediately upon the Commission's receipt of the DRI referral and resume upon the Commission's decision to approve a project becoming final. In the case of any discretionary referral, local review and the corresponding time periods to review are not suspended unless and until the Commission votes to accept the referred project for DRI review.



Town of Dennis

685 Route 134, South Dennis, MA 02660 / Telephone: 508-760-6122 Fax: 508-394-8309

TO: Jordan Velozo, Chief Regulatory Officer, Cape Cod Commission
FROM: Town of Dennis
DATE: March 14, 2024
RE: 1 Love Lane, Dennis, MA - DRI Referral

The Town of Dennis has received an application for a Building Permit for a Family Transition Shelter Housing Center at 1 Love Lane which, until recently, was a nursing home. As noted in our DRI referral letter in November 2023, this is a Mandatory DRI referral to the Cape Cod Commission per Section 3(f)(1) of the Cape Cod Commission Enabling Regulations (Change of Use of a private health facility greater than 10,000 sf). Furthermore, the property is in Dennis but all access to it runs through the Town of Harwich, therefore impacting more than one town. The residents of the former nursing home came from several communities in the mid and lower Cape, and the future tenants of the Family Shelter Program will be coming from throughout the Cape, and possibly beyond, further attesting to the regional impact of the facility.

The Town of Dennis originally referred this change of use as a DRI before Next Step Health Care LLC (NSHC LLC) closed the doors of South Dennis Health Care (SDHC), a nursing home at 1 Love Lane. It is our understanding that NSHC LLC has closed at least 11 of these facilities in the last 5 years. The nursing home served a vital community interest for Dennis and nearby towns, caring for our most vulnerable citizens close to their homes. The skilled nursing facility had a capacity of 128 beds and was operating with 92 residents in September with one wing closed as the operator was on probation. SDHC employed over 100 local employees in three shifts.

The Town of Dennis maintains that while SDHC is now gone, the overall proposal constitutes both a "Change of Use" per the CCC Enabling Regulations and has clear and obvious regional impact. One has to wonder why the change of use of a private health facility would be on the DRI Mandatory Referral list if the exit of a private health facility to be replaced by an educational use is not considered a change of use. When we reached out to CCC in December, we were told that a DRI Referral requires a local permit. The problem with this requirement is that Next Step Health Care LLC did not need a local permit to take their next step and leave. We had hoped a DRI Review would bring attention to the situation and what, we have come to learn, is a wholly inadequate process by which the Department of Public Health (DPH) permits the closure of an essential healthcare facility. To be clear, Next Step Health LLC did not provide a plan, just a form letter informing DPH they were closing.

Next Step Health Care LLC (dba One Love Lane Operator LLC) is a private for-profit nursing home operator based in Woburn, Massachusetts. You should be aware that by the time of the DPH "public hearing" to close the facility in November, which was literally a phone call, the



Town of Dennis

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representative for Next Step Health Care LLC, Damian Dell'Anno, said there were only 13 residents still at the facility. When the Town Planner and Health Director visited the facility in late September there were 92 residents. In other words, the vast majority of residents had already been removed before the so-called public hearing. Very few of the tenants or their families would have noticed a public hearing notice, if there was any notice at all at the site.

The DPH representative actually said at the hearing/phone call that we should not ask questions as they would not provide any answers. When a member of the Select Board pressed and asked for confirmation that even if it was an essential service and the exit plan was inadequate that DPH would not do anything, DPH answered that they could not do anything. To be clear, there was no plan, there was nothing more than a form letter and a phone call with no discussion.

With regard to the proposed Family Shelter Program, we support the stated mission of the Housing Assistance Corporation (H.A.C.) and applaud the noble intent of the proposed new use. However, H.A.C. has claimed exemption from Town review through The Dover Amendment as an educational use. Thus, the Town had no input with the exit of the nursing home and review of the proposed new use is hamstrung by the broad interpretation of the Dover Amendment. The Cape Cod Commission is not enabled under Chapter 40A and therefore can review the project and, if necessary, apply reasonable conditions to the operation of the new use.

To conclude, we believe the project triggers DRI review under the Mandatory Threshold Section 3(f)(1) of the Cape Cod Commission Enabling Regulations (Change of Use of a private health facility greater than 10,000 sf). We also maintain that both the exit of the old use and the proposed new use have obvious regional impacts affecting more than one Town.



SUBMITTAL SUMMARY REPORT (BLDC-025738-2024) FOR TOWN OF DENNIS

PERMIT ADDRESS: 1 LOVE LANE **PARCEL:** 168-9-0
 South Dennis, MA 02660
APPLICATION DATE: 02/26/2024 **SQUARE FEET:** 8,000 **DESCRIPTION:** Remodel of existing facility #79 Units for shower and
EXPIRATION DATE: **VALUATION:** \$2,000,000.0 tub areas and adding additional Kitchen areas.

CONTACTS	NAME	COMPANY	ADDRESS
Applicant	Donald Trott	Housing Assistance corp	460 West Main St Housing Assistance C Housing Assistance C Hyannis, MA 02601
Contractor	Donald Trott	Housing Assistance corp	460 West Main St Housing Assistance C Housing Assistance C Hyannis, MA 02601
Owner		HOUSING ASSISTANCE CORPORATIO	460 WEST MAIN STREET HYANNIS, MA 02601

SUBMITTAL	STARTED	DUE	COMPLETE	STATUS
Building Review v.1	02/26/2024	03/18/2024		In Review
As-Built Submittal Review v.1	02/26/2024	02/26/2024		In Review

SUBMITTAL DETAILS

Building Review v.1

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Building (Building)	Gary Clements	03/18/2024		In Review
Health (Health)	Kristen Keller	03/18/2024		Variance Required
Natural Resources (Conservation - DNR)	Erin Burnham	03/18/2024	02/26/2024	Complete
Zoning (Building)	Paul Fowler	02/26/2024		Pending Board Approval

As-Built Submittal Review v.1

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Fire (Fire)	Tony Kent	02/26/2024		In Review
Health (Health)	Kristen Keller	02/26/2024		In Review
Natural Resources (Conservation - DNR)	Erin Burnham	02/26/2024	02/26/2024	Complete
Planning/Zoning (Planning/Zoning)	Anna Pannell	02/26/2024		In Review