

Green Mountain Care Board
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DELIVERED ELECTRONICALLY

April 30, 2019

Ms. Shireen Hart, Esq.
Primmer, Piper, Eggleston & Cramer
30 Main St., Suite 500
Burlington, VT 05402

RE: Docket No. GMCB-008-19con, Birchwood Terrace Rehabilitation and Healthcare, Remodeling/Renovation of Existing Common Space and Parking Remediation Projects. Project cost: \$1,244,294 for Renovations and \$217,691 for Parking Remediation.

Dear Shireen:

Thank you for your April 17, 2019 letter asking the Board for a jurisdictional determination regarding your clients' plans to: 1) remodel/renovate the common areas of Birchwood Terrace to create a more welcoming space for residents and visitors; and 2) expand the facility's parking area to remediate a zoning violation.

According to your letter, the cost of the proposed remodeling/renovation work is estimated to be \$1,219,294 and the capitalized interest is estimated to be \$25,000, for a total estimated cost of \$1,244,294. Birchwood will utilize a cost-plus agreement to implement the project. It is represented that in the event of "unexpected discoveries," Birchwood can control the outcome and would return to the Board to complete a Certificate of Need (CON) application if the estimated project costs reach the \$1,500,000 threshold that would trigger CON review.

Birchwood is also planning to modify its parking area to address a zoning violation that predates its purchase of the facility. The cost of this work is estimated to be \$217,691. Based on the criteria set out in section 4.207 of the Board's CON rule, we agree that this work is not a related component of the remodeling/renovation project.

Because the projects described in your letter are separate from one another and are both under the cost threshold, they are not subject to certificate of need review. However, as your clients proceed with these projects, if there are changes in the type, scope or cost, please notify the Board immediately so we may determine whether the changes are subject to further review.

If you have any questions, please do not hesitate to contact me at (802) 828-2918.

Sincerely,

s/ Donna Jerry
Donna Jerry
Senior Health Policy Analyst

cc. Michael Barber, General Counsel
Green Mountain Care Board

