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CAPE COD
COMMISSION

LIMITED DRI/ HDEX MINOR MODIFICATION #2 DECISION

Project: Rose Motel Redevelopment/Lakeside Commons (CCC #07018)

Project Site/ Location: 1555 Iyannough Road and 1575 Iyannough Road (Route 132), Hyannis, MA
(Assessors Map 253 Parcels 16 & 19)

Owner/ Applicant: Sixty North Street Realty Trust, Floyd J. Silvia, Trustee
Rose Capeway LLC, Robert B. Kinlin, Manager

Title Information: Deed Book 23358 Page 25; Plan Book 628 Pg 66, Lots 1A and 2A
(Original Decision recorded in Deed Book 22903 Page 17)

DATE: JUNE 8, 2017

SUMMARY

Pursuant to Section 13 of the Cape Cod Commission (Commission) Development of Regional Impact (DRI) Enabling Regulations (Revised Nov. 2014), the Commission's Committee on Planning and Regulation (CPR) hereby approves the Applicant's request to further modify the Limited DRI/ Hardship Exemption Decision for the Project as a Minor Modification Type #2, by vote at its June 8, 2017 meeting. This modification is granted to authorize changes to the Project previously approved in the Decision.

FINDINGS

The CPR hereby finds and determines the following:

1. The Project/ Project Site is subject to Limited Development of Regional Impact/ Hardship Exemption decisions issued February 12 and March 20, 2008 (as subsequently modified by decisions dated 11/18/08, 7/2/12, and 9/13/12) ("Decision"). The Project received a Final Certificate of Compliance from the Commission on October 28, 2013.
2. The Decision authorized redevelopment and change of use of the former Rose Motel site, including demolition and removal of then existing site development and construction of a

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new 18,260 sq. ft. office building and ancillary development. The Applicant was scoped for review to the sole RPP issue area of Transportation, and subsequently received hardship exemption relief from Transportation RPP standards.

3. The Project Site is composed of two lots, addressed as 1555 and 1575 Iyannough Road, respectively. An existing office building is constructed on the 1555 Iyannough Road lot; some landscaping and parking were installed on 1575 Iyannough Road to serve that office use.
4. The Applicant now proposes to construct a second office building, approximately 8,500-square feet Gross Floor Area, on the 1575 Iyannough Road lot. It will share the existing site driveway and curbcut with 1555 Iyannough Road, but will be served by its own septic system, stormwater management system, landscaping and parking area. 27 on-site parking spaces are provided for the new building, which is no more than the Barnstable Zoning ordinance requires.
5. The CPR reviewed the proposed modification at its meeting on June 8, 2017.
6. Section 13 of the DRI Enabling Regulations (Chapter A of the Code of Cape Cod Commission Regulations) allows a permittee or permittee's successor in interest to request modification of a DRI decision for changes to an approved project. The CPR may approve a request for a Minor Modification #2 at a public meeting.
7. Section 13 sets out three categories of DRI modifications. The Regulations describe a DRI Minor Modification #2 as follows:

Includes a substantially similar proposal to the original project but involves a minor Change of Use, a minor change to the site plan, or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition. A proposed change shall not result in different or increased impacts to the resources protected by the Act and/or the RPP. Such a minor modification may be approved by the Committee on Planning and Regulation and does not require further review by the Commission. The Committee on Planning and Regulation shall issue a written decision and send copies to the Applicant, Municipal Agency and the town clerk, building inspector and DRI Liaison of the Municipality(ies) in which the proposed development is located...Minor Modifications #2, as determined by the Regulatory Committee, shall be governed by the RPP in effect at the time of their original approval...

When making its determination, the Committee on Planning and Regulation shall consider the following factors: proposed Changes of Use; changes to the site plan; changes to impacts to resources protected by the Act and/or the Regional Policy Plan (RPP); changes in the number or character of units, floor area or outdoor commercial area; changes to architectural design or building facade; changes to the findings or conditions of the Commission's original decision; and, other factors that the committee deems relevant to the determination."

8. The Project constitutes a Minor Modification Type #2:
 - the use is the same as originally approved;
 - the proposed changes do not meet or exceed a mandatory threshold for new DRI review;

- changes to the building and site are consistent with current, approved development; impacts to protected resources are minimized or mitigated in the design of the proposed changes and with the measures staff recommends in its RPP comments, below;
 - such impacts are not different in kind than those addressed in the Decision;
 - and the proposed changes are not contrary to the findings and conditions contained in the Decision, or Certificate of Compliance issued for the Project.
9. The Project modification is reviewed subject to the 2002 Regional Policy Plan (RPP), which is the version of the RPP in effect at the time the original decision was issued by the Commission.
 10. The Applicant's modification application and supplemental application materials submitted to and reviewed by the CPR consist of the following:
 - Site Plan Set entitled "Commercial Redevelopment, 1575 Iyannough Road, Hyannis, Massachusetts, April 26, 2016, Revised: May 16, 2017," prepared for Silvia & Silvia LLC by the BSC Group, Yarmouth, MA, consisting of sheets G-100, C-100, C-101, C-102, C-103, V-100, L-100 (*landscape plan*), C-200, C-201.
 - Lighting fixture specifications sheets and foot candle plan by Omni-Lite Inc. for 1575 Iyannough Road dated 7/9/2016, consisting of 11 pages.
 - Architectural Elevation and Floor Plans for 1575 Iyannough Road prepared by Northside Design Associates, consisting of sheets A1, A2, A3, A4 and A5 dated 2/7/2017, and four pages of architectural, signage and finish specifications
 - 1575 Iyannough Road Drainage Calculations/ Stormwater Management Narrative/ SWPPP/ O&M Plan dated 5/16/2017 prepared by the BSC Group
 - 1575 Iyannough Road Nitrogen Loading Calculations dated 5/17/17 prepared by the BSC Group
 - Turf Management and Integrated Pest Management Plan, 1575 Iyannough Road, dated 1/25/2017 prepared by the BSC Group
 11. The Site is not mapped for rare species habitat, and proposed development is located well back from Shallow Pond, which abuts the Site. In addition, the development of the new building uses mostly previously disturbed portions of the Site; some of the new clearing allows for development of Low Impact Design (LID) stormwater management facilities.
 12. A Project Notification Form (PNF) was filed with the Massachusetts Historical Commission, which agency verbally confirmed that the modification to the Project was unlikely to substantially affect significant historic or archaeological resources.
 13. The three parking spaces shown to the front of the proposed building were approved in the prior Decision (they were located to the side of the then-proposed building). The Applicant has provided additional screening to limit views of these parking spaces from Route 132, which serves as a gateway into Hyannis.
 14. The proposed two-story building has a footprint under 4,000 square feet, which is consistent with traditional development patterns. The front building façade, which is 92 feet long and faces Route 132, does not meet the precise amount of façade variation required by standard HPCC2.6. Approximately 20 feet of variation is required for a façade of this length, but the proposal includes only 14 feet of facade variation. The Applicant also included a recessed

front entrance. However, because the building design incorporates both one-story and two-story masses (approximately one quarter of the building's front façade length is one-story) and because the overall building footprint is modest in size, the design meets the intent of the façade variation standard.

15. The proposed exterior building materials, which include Hardie-Plank siding (a composite of cement and wood fiber), white cedar shingles, and PVC trim, are consistent with the Commission's design guidelines and standards.
16. New or augmented landscaping is proposed within the new parking lot and along Rte. 132. The landscaping adequately buffers the new building and parking, consists of native & drought tolerant species, and appropriately relates the new building to the Site.
17. The Project Site is located in a Zone II Wellhead Protection Area, approximately 1,500 feet up-gradient of wells that provide drinking water to the Barnstable Fire District service area, and in the Barnstable Harbor watershed. The Site has shoreline on Shallow Pond but is not mapped within contributing watershed areas to the pond. Approximately 17,500 sf of the two lots constituting the Project Site is wetland.
18. Paved areas will increase from 6,592 sq ft to 12,682 sq ft at the 1575 Iyannough Road lot. For the two lots combined (1555 and 1575 Iyannough Road), paved and roof areas will total approximately 1.4 acres (1/3 of the upland areas). Turf will total approximately 2/3 acres (approximately 16% of upland areas).
19. 1555 Iyannough Road and 1575 Iyannough Road will each be served by their own Title 5 septic system, including a proposed new septic system to serve 1575 Iyannough Road. The septic systems' soil absorption systems (SAS) are each located 300 feet or further from the high-water shoreline of Shallow Pond. The new building will generate 527 gallons of wastewater per day (gpd) and 1,897 gpd for the two improved lots combined, based on Title 5 wastewater design flows.
20. Under the RPP, projects in Zone II Wellhead Protection Areas are limited to a site-wide nitrogen-loading concentration the higher of 5 ppm-N, or a site's existing nitrogen load. When the Project was originally approved, the baseline existing site nitrogen load was 12-ppm N. The nitrogen loading calculations submitted with the modification request show an increase in the site-wide nitrogen loading concentration for groundwater from 1.9 to 6.1 ppm-N for 1575 Iyannough Road, and an increase in the site-wide nitrogen loading concentration for groundwater from 6.4 to 7.9 ppm-N (when adjusted for wetlands, 8.0 ppm-N) for the combined two lots constituting the Project Site. Under proposed modified conditions, the site wide nitrogen load is less than the load that existed when the Project was first approved, consistent with the RPP. A sewer connection is not yet available to the Site. With other development proceeding on nearby properties, a sewer connection/ extension may become available to the Site in the near future. Given the Site's location in a Wellhead Protection Area, the Project should consider connecting to municipal sewer when it is available.
21. New stormwater runoff will be maintained on site during the 24-hour 25-year storm event and the Project modification will not increase runoff to the adjacent property to the west and the conservation area within the pond buffer to the south of the Site. Collected runoff will be conveyed directly to sub-surface infiltration chambers from proprietary catch basins.

Proposed stormwater facilities incorporate LID features and biofiltration practices to treat the first inch of runoff from the new parking area, meet TSS removal requirements, and requirements for minimum separation distance to groundwater. The Operations and Maintenance (O&M) Plan for the stormwater system also contains provision for maintaining the rain gardens.

22. The Applicant's turf and landscape management protocol incorporates water conservation measures, integrated pest management limiting chemical pesticide and fertilizer use, and is consistent with Barnstable's nutrient control ordinance adopted as implementing regulations pursuant to the Cape-wide Fertilizer Management district of critical planning concern.
23. The modification proposes 4 additional lighting fixtures. The new parking area fixtures provide appropriate light levels and meet all Commission regulations for light cut-off. The specifications provided for the new building mounted fixtures meet Commission guidelines in that they are fully shielded and will generate a low light output similar to residential fixtures.
24. The Applicant proposes signage for 1575 Iyannough Road to match existing signage at 1555 Iyannough Road, the design of which is consistent with Commission regulations.
25. With the addition of 8,500 square feet of office space, transportation staff estimates that site will generate an additional 52 weekday daily trips, 7 AM peak hour trips, and 7 PM peak hour trips. These estimates are based on information contained in the Institute of Transportation Engineers Trip Generation Manual, 9th Edition for Land Use Code 710 (Office Building) with reduction allowed under the original decisions (25% reduction for implementation of trip reduction measures and a 10% reduction for locating in an activity center). Based on the rate present in the original decision, as modified, the additional congestion mitigation payment required for this modification is **\$10,325** (\$1,475 per peak hour trip X 7 trips).

CONCLUSION

Based on the above Findings and determinations, the Commission's Committee on Planning and Regulation hereby approves the requested further modification to the Decision as described herein as a Minor Modification Type#2, subject to the following Conditions:

CONDITIONS

1. All findings and conditions in the Decision continue to apply as written except as expressly modified herein. To the extent there is conflict or ambiguity between this modification decision and the DRI Decision, this modification shall control.
2. The Decision, as modified, shall be appurtenant to and run with the property which is the subject Project Site, and shall bind and be enforceable against, and inure to the benefit of, the Applicant/Owner, its heirs, successors, and assigns.

3. This decision shall be effective upon its recording by the Commission at the Barnstable Registry of Deeds. The Applicant shall have three years from the date of recording to obtain necessary local permits, licenses and approvals for the proposed Project changes pursuant to and in accordance with this decision.

4. Failure to comply, and remain in compliance, with all terms and conditions stated in the Decision, as modified, shall be deemed cause to revoke or further modify the Decision.

5. The Project, as modified herein, shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents reviewed, approved and referenced herein under Finding 10, which plans, documents and other information shall either substitute or supplement, as the context allows, for plans, documents and other information previously reviewed and approved in the DRI Decision. This decision does not permit any other work or development at the Project Site, except as specifically authorized in the Decision and modified herein. The site, building, planting and lighting plans referenced in Finding 10, shall constitute the approved plans for the Project, as modified. Any further changes to the approved Project or on the Project Site, as modified herein, shall require further modification to the Decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All other plans, information and documents required to be submitted as conditions of this decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by Commission staff.

6. Prior to and as a condition to issuance of a Building Permit for and commencement of the Project, as modified herein, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in the Decision, as modified herein, required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with the DRI Decision, as modified herein.

7. Prior to and as a condition to issuance of the Certificate of Use and Occupancy by the Town for the Project as modified herein, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in the Decision as modified herein have been satisfied prior to issuance of a Final Certificate of Compliance and that the Project is in compliance with the Decision, as modified herein.

8. Commission staff shall undertake a review of the Project's compliance with the Decision, as modified herein, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a Certificate, it shall provide to Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its review of the Certificate request, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue

the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

9. The Applicant shall obtain all necessary federal, state, and local permits for the Project, as modified herein. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall obtain all necessary discretionary municipal permits, licenses and approvals for the Project as modified herein, and provide to the Commission a copy of such approvals and copies of final plans approved therein to determine consistency with the plans approved herein. Simultaneously, the Applicant shall also provide the Commission copies of any necessary state or federal licenses, permits or approvals.

10. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide written proof to the Commission that a copy of this decision and approved Project plans have been received by the Project general contractor(s). A copy of this decision and approved Project plans shall be kept on site through completion of the approved work, and distributed to Project sub-contractors.

11. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide to Commission staff for review and approval construction or bid-level stormwater drainage design plans and post-construction inspection protocols.

12. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, Commission staff will conduct a site visit to confirm that the site, landscaping, exterior lighting and building have been constructed and installed according to the terms and conditions of the Decision, as modified herein, including the approved project plans referenced herein; to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the Site drive; and to confirm that the Travel Demand Management Plan has been implemented.

13. The Applicant shall pay **\$10,325** in transportation mitigation which shall be held by the Cape Cod Commission for the benefit of, and released upon request, to the Town of Barnstable for town initiatives intended to advance congestion mitigation measures or to support alternatives to automobile travel. Such payment shall be made prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, made payable to the Barnstable County Treasurer.

14. The Applicant shall not place any signs, landscaping, or other visual obstructions in a manner that would create an obstruction to safe sight distance at the Site drive.

15. The Applicant shall implement the same Travel Demand Management Plan for 1575 Iyannough Road developed for the exiting office building at 1555 Iyannough Road.

Signature page follows

SIGNATURE

Executed this _____ day of _____ 2017.

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2017

Before me, the undersigned notary public, personally appeared

_____, in his/her capacity as _____ 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.

Notary Public

SEAL

My Commission Expires: