

CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

Date: March 5, 1992

To: William O'Brien, authorized representative
Stop & Shop Companies, Inc.

From: Cape Cod Commission

RE: Modification of Hardship Exemption Decision dated September 5, 1990 and
previously modified December 6, 1990, December 13, 1990, and September 12,
1991
Cape Cod Commission Act, Section 23

Project #: TR90002

Applicant: Lansing Realty Trust

Project: Super Stop & Shop at Harwich Commons Shopping Center
East Harwich, MA

Map/Parcel: Map 87, Parcels U-3, U3-1
Book/Page: Book 3539, Page 35

MODIFICATION OF HARDSHIP EXEMPTION DECISION

The Cape Cod Commission (Commission) hereby grants to Lansing Realty Trust a modification to a Hardship Exemption decision pursuant to Section 23 of the Act, for an approval with conditions originally granted to E&R Realty Trust on September 5, 1990. All conditions attached to the original Hardship Exemption decision and as modified by the December 6, 1990, December 13, 1990, September 12, 1991, and March 5, 1992 decisions, are listed below and continue to apply.

- 1). Time Frame for Approval of Project
 - a) For the purpose of addressing concerns by Town of Harwich officials regarding the expeditious construction of the project and to encourage it to be completed in a timely manner, construction of the Super Stop & Shop store under this exemption must commence by December 1, 1991 and be continued through to completion as continuously and expeditiously as is reasonable. Provided that all other conditions as listed below are complied with, construction of the remaining 47,124 square feet of retail space shall commence by December 31, 1995.

Super Stop & Shop at Harwich Commons
Modification to Decision #TR90002
March 5, 1992

- b) If the Applicant fails to meet the condition listed above, this exemption shall lapse and the proposed development shall be automatically deemed to be a Development of Regional Impact requiring review under the Cape Cod Commission Act.

2). Traffic

- a) With the intent of mitigating the impacts of this project to the intersection of Queen Anne Road and Route 137, this hardship exemption shall be conditioned upon the Applicant depositing the amount of \$32,000.00 in an escrow fund, which fund shall be dedicated to the sole purpose of performing work to improve the intersection of Route 137 and Queen Ann Road in East Harwich, Massachusetts. The Applicant shall make such contribution to the escrow fund pursuant to an escrow agreement, which shall be of form and content satisfactory to Counsel to the Cape Cod Commission, and which shall designate a bank or other fiduciary as the escrow agent. The Applicant's contribution to the escrow fund shall be irrevocable, and shall be a precondition to the issuance of any certificate of occupancy for the Applicant's proposed development by any municipal agencies. The contents of the escrow fund shall be released upon the vote of the Commission, and shall be dedicated to the improvement of the intersection of Routes 137 and Queen Anne Road.
- b) With the intent of further mitigating the impacts of this project on the intersection of Route 137 and Route 39, the Applicant shall make the following improvements:
- Provided the Town of Harwich agrees, curbing shall be installed along the southwest quadrant of the intersection due to the steep grade between the intersection and the Harwich East parking lot;
 - Provided the Town of Harwich agrees, a minimum of a 4' grass shoulder should be placed along all of the widened portions of the intersection. It is most critically needed along the west side of Route 137, south of the intersection;
 - Complete roadway improvements to the eastern leg of Route 137. The existing widening does not drain properly. Catch basins are currently above the level of the road and depressions exist. The roadway shall be leveled with Type I mix. Preparation for leveling shall include removing wooden forms (presumably placed around removed utility poles), removing temporary cold patch and replacing it with Type I binder, full depth patching of alleagated areas with Type I binder, sweeping with a vacuum type sweeper and applying a tack coat to the existing road surface. A wearing course of 1 1/2" (compacted thickness) of Type I mix shall then be applied. A cross slope of at least 1/4" to 1' shall be maintained. This will bring the road surface approximately flush with the island. Care shall be taken that all runoff is directed towards catchbasins in order to eliminate ponding. The improved area shall extend to the "end road construction" sign located approximately 82' north of the centerline of Continental Drive.

Super Stop & Shop at Harwich Commons
Modification to Decision-#TR90002
March 5, 1992

• Complete remaining roadway improvements shown on plans. Cross slopes of all finished improvements shall be 1/4" to 1'. All runoff shall drain off the road surface. All roadway improvements must meet or exceed construction specifications of the existing roadway in addition to satisfying Harwich subdivision construction standards. Blind application of subdivision construction specifications to a collector roadway shall not be a substitute for sound engineering judgement in the pavement design process. All improvements which have not yet been surfaced and do not meet the above criteria shall be excavated and a uniform pavement foundation shall be provided which has been compacted in lifts as specified in the Harwich regulations.

3). Access

To encourage and enable the limitation of future curb cuts onto Route 39, the Applicant agrees, if requested, to grant for reasonable consideration, satisfactory to the applicant an easement for future access to the adjacent undeveloped property via the access road to Harwich Commons Shopping Center from Route 39. Such proposed easement is located as shown on the plan of Harwich Commons by William Lieberman dated November 28, 1990.

4). Landscaping and Parking

Prior to the issuance of a Certificate of Compliance, the Applicant shall complete landscaping as illustrated on the landscape concept plan of Super Stop & Shop at Harwich Commons by David Szlag Associates, dated August 14, 1991. Such plan shall be based on the following requirements:

- a). The landscape plan shall be revised to provide screening immediately north of the proposed supermarket in the event that the 47,124 square feet of retail space is not constructed. The screening shall consist of a mixture of evergreen species planted at a height of between 10-12 feet, at a spacing not to exceed fifteen feet on-center. This plan shall be submitted to and approved by the Cape Cod Commission staff and landscaping shall be completed prior to the issuance of a Certificate of Compliance of the Super Stop & Shop store, unless an application is filed for the construction of a building north of the supermarket by June 1, 1992.
- b). Trees in parking islands and along interior roadways:
 - Trees shall be planted 25' on center in parking bays and islands;
 - Trees shall be 2-3" caliper in size;
 - Japanese Zelkova (*Zelkova serrata*) should be used at perimeter of main parking area and along entry drive;
 - Little Leaf Linden (*Tilia cordata*) should be used for all interior parking lot bays;
 - Low growing vegetation shall be placed in areas where vehicular sight distance is of concern;
 - Flowering trees shall be placed at Route 39 entrance (varieties of dogwood, cherry or pear);

Super Stop & Shop at Harwich Commons
 Modification to Decision-#TR90002
 March 5, 1992

- Pedestrian mall planters shall be provided in front of all retail stores except supermarket anchor. These planters shall be a minimum of ten feet in width and shall be planted with low growing evergreen and deciduous shrubs;
- Five trees shall be planted per every 1500 square feet (50% evergreen) in the back retention area. Existing trees in these areas of 2" caliper or greater shall count towards this requirement.
- 15 trees shall be planted in the green area north of the building.

c) Shrubs and Ground Covers

- Traffic islands may be planted with all species listed on existing plan except crown vetch which is extremely invasive. Vetch may be used in other areas however;
- Since Mountain Andromeda & Japanese Yews do not do well in parking lot environments (glare, heat, etc.), Rugosa Rose & Beach Plum shall be used instead.
- Green areas that exceed 10,000 square feet (excluding parking islands and Route 39 access area) should be hydroseeded with a wildflower or wildgrass mixture.

d) Parking

- Parking shall be limited to a maximum of 423 spaces as indicated on site plan dated November 28, 1990. A floor plan shall be submitted to the Commission prior to the issuance of a building permit. Parking shall then be revised to reflect the total leasable floor area as indicated on the floor plan.
- A twelve-foot wide divider shall be provided along the entrance roadway as indicated on site plan and planted with low growing shrubs;
- Parking bays shall not exceed 210 feet in length. All islands and dividers (including ends) shall be provided as shown on the site plan dated November 28, 1990 and shall be a minimum of ten feet wide. One Linden tree shall be planted in each traffic divider.

5). Water Quality

Due to the location of the project within a Water Resource District, the following commercial uses, which discharge large amounts of water which can have a detrimental impact on groundwater quality shall be prohibited:

- restaurants, including any establishment serving food or beverages;
- dry cleaners and laundromats (however, establishments providing only for drop off service)

Super Stop & Shop at Harwich Commons
Modification to Decision-#TR90002
March 5, 1992

where work is done off-site is permitted);
• beauty salons.

6). Lot Coverage

In order to protect the intent of the Water Quality District and ensure that landscaped areas will be retained, impervious surfaces on the site will not exceed forty percent and building coverage will not exceed twenty percent, except for the access easement as provided for in condition #3.

7). Solid Waste/Recycling

a) The owners and tenants shall be required to separate cardboard from all other wastes generated by the development and provide contracted removal to material brokers for eventual recycling, thus avoiding land disposal and incineration. The applicant shall have the right to apply for relief from this condition in the event that market conditions do not permit compliance.

b) All dumpsters shall be surrounded by evergreen vegetation or opaque fencing as a visual screen.

8). Architectural Design

Architectural design shall be completed in a traditional Cape Cod architectural style. The Applicant shall prepare final elevation drawings for Commission staff approval, based upon the following conditions, prior to the issuance of a building permit:

- Natural siding shall be used for the front exterior of the structure. It is strongly recommended the wood clap boards be used. Concrete block, concrete brick, metal buildings, drivit, vinyl siding are examples of materials which are not acceptable. The structure under construction on the ANR lots adjacent to the site shall serve as an example;
- Variations in the roof lines and facades shall be provided. The structures under construction on the ANR lots adjacent to the site shall serve as an example;
- No roof signs shall be permitted. Wall signs shall be limited to a panel below the eaves of the roof. These sign dimensions shall be subject to approval by the town of Harwich Zoning Board of Appeals pursuant to the Harwich zoning bylaw. Only externally illuminated signs shall be permitted (including both wall and free-standing signs), as is consistent with the Harwich Zoning by-law.

9). Certificate of Compliance

The Applicant shall be required to receive a certificate of compliance from the Cape Cod Commission or its designee before local officials may issue a certificate of occupancy for the development.


Super Stop & Shop at Harwich Commons
Modification to Decision-#TR90002
March 5, 1992

10). Plan Submission

Plans submitted with this modification shall become a part of the decision and any substantial changes must be approved by the Cape Cod Commission.

11). Any further development of the site which exceeds 109,116 square feet previously approved by the Cape Cod Commission shall be reviewed by the Cape Cod Commission as a Development of Regional Impact.

The Cape Cod Commission hereby approves the modification to the decision for a Hardship Exemption with attached conditions, pursuant to Section 23 of the Act.



Richard S. Armstrong, Chairman

3/5/92

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 5th day of March 1992

Katharine L Peters

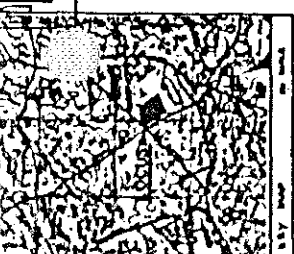
Name, Notary Public

My Commission expires:

~~My Commission Expires December 5, 1997~~

Super Stop & Shop at Harwich Commons
Modification to Decision #TR90002
March 5, 1992

APR 19 1991

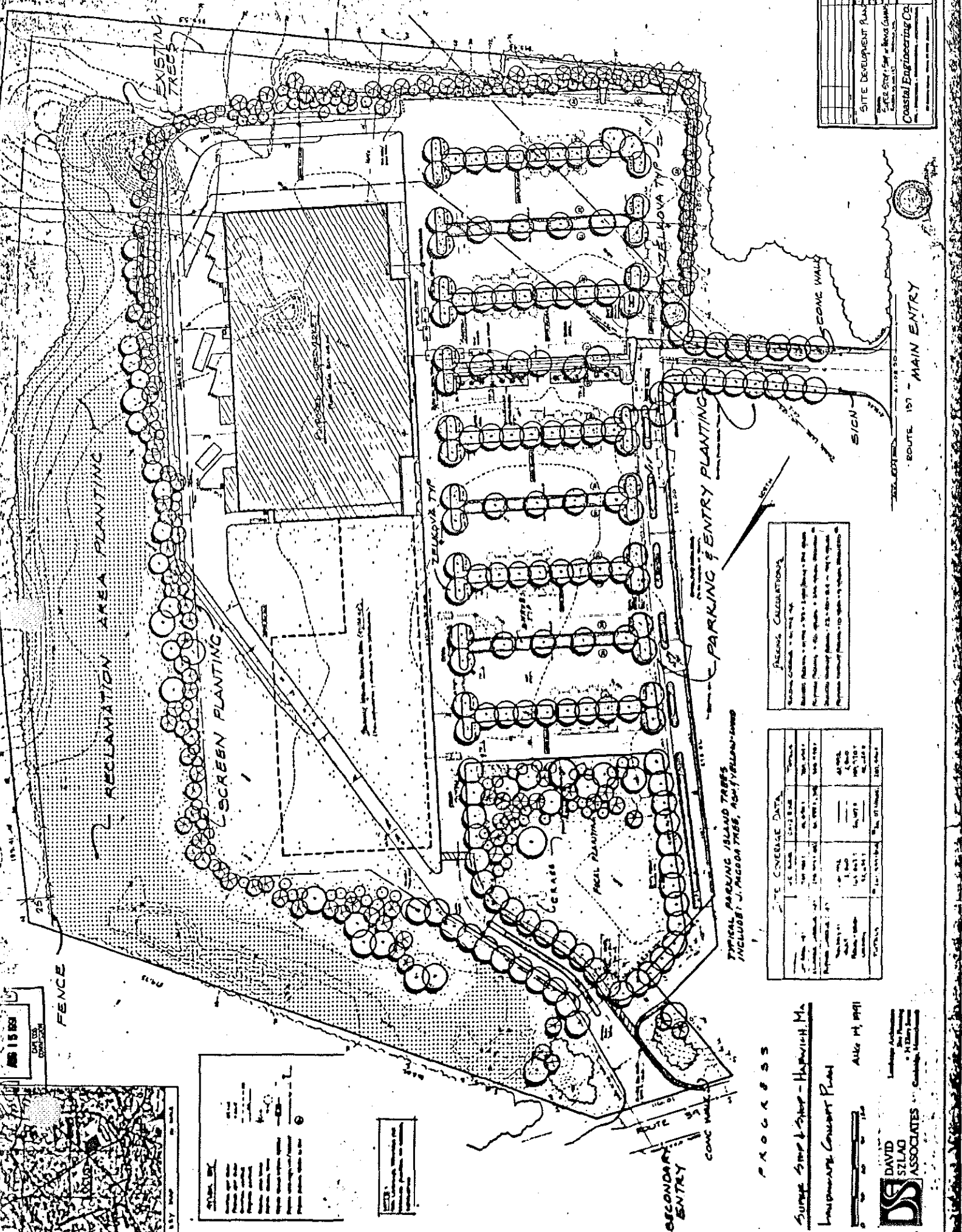


SYMBOLS

1	Proposed Building
2	Proposed Parking
3	Proposed Screen Planting
4	Proposed Reclamation Area
5	Proposed Fencing
6	Proposed Access
7	Proposed Concrete Walk
8	Proposed Existing Trees
9	Proposed Typical Parking Island Trees
10	Proposed Typical Parking Island Trees
11	Proposed Typical Parking Island Trees
12	Proposed Typical Parking Island Trees
13	Proposed Typical Parking Island Trees
14	Proposed Typical Parking Island Trees
15	Proposed Typical Parking Island Trees
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46	Proposed Typical Parking Island Trees
47	Proposed Typical Parking Island Trees
48	Proposed Typical Parking Island Trees
49	Proposed Typical Parking Island Trees
50	Proposed Typical Parking Island Trees

NOTES

1. All dimensions are in feet and inches.
2. All elevations are in feet above mean sea level.
3. All bearings are in degrees, minutes and seconds.
4. All curves are in feet and inches.
5. All angles are in degrees, minutes and seconds.
6. All areas are in square feet.
7. All volumes are in cubic feet.
8. All weights are in pounds.
9. All lengths are in feet.
10. All diameters are in feet.
11. All radii are in feet.
12. All heights are in feet.
13. All depths are in feet.
14. All widths are in feet.
15. All thicknesses are in feet.
16. All slopes are in feet per foot.
17. All grades are in percent.
18. All curbs are in feet and inches.
19. All sidewalks are in feet and inches.
20. All driveways are in feet and inches.
21. All parking spaces are in feet and inches.
22. All parking stalls are in feet and inches.
23. All parking lanes are in feet and inches.
24. All parking aisles are in feet and inches.
25. All parking ramps are in feet and inches.
26. All parking stairs are in feet and inches.
27. All parking elevators are in feet and inches.
28. All parking escalators are in feet and inches.
29. All parking lifts are in feet and inches.
30. All parking cranes are in feet and inches.
31. All parking hoists are in feet and inches.
32. All parking conveyors are in feet and inches.
33. All parking rollers are in feet and inches.
34. All parking chutes are in feet and inches.
35. All parking funnels are in feet and inches.
36. All parking hoppers are in feet and inches.
37. All parking bins are in feet and inches.
38. All parking containers are in feet and inches.
39. All parking tanks are in feet and inches.
40. All parking drums are in feet and inches.
41. All parking rollers are in feet and inches.
42. All parking chutes are in feet and inches.
43. All parking funnels are in feet and inches.
44. All parking hoppers are in feet and inches.
45. All parking bins are in feet and inches.
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47. All parking tanks are in feet and inches.
48. All parking drums are in feet and inches.
49. All parking rollers are in feet and inches.
50. All parking chutes are in feet and inches.



TYPICAL PARKING ISLAND TREES INCLUDE: J. ALCOBARA TREES, AND YELLOWSHANK

ACCESS

Surge Street - Norwich, Ma
Longway Court Road

APR 14 1991

DAVID SZLAG ASSOCIATES
 Landscape Architects
 111 State Street
 Cambridge, Massachusetts

PARKING CALCULATIONS

Maximum Capacity	1000
Maximum Parking	1000
Maximum Access	1000
Maximum Egress	1000
Maximum Fire	1000
Maximum Security	1000
Maximum Maintenance	1000
Maximum Other	1000
Maximum Total	1000

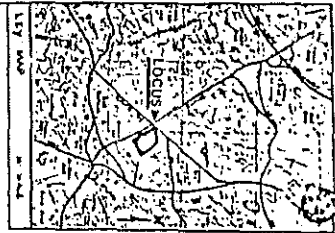
SITE GENERAL DATA

Site Name	111 State Street
Site Address	111 State Street
Site City	Cambridge, MA
Site State	MA
Site Zip	02142
Site Phone	(617) 552-1111
Site Fax	(617) 552-1111
Site E-mail	dszlag@dszlag.com
Site Website	www.dszlag.com
Site Date	April 14, 1991
Site Author	David Szlag
Site Designer	David Szlag
Site Checker	David Szlag
Site Approver	David Szlag

SITE DEVELOPMENT PLAN
 Site Plan for 111 State Street
 Coastal Engineering Co.
 111 State Street
 Cambridge, Massachusetts

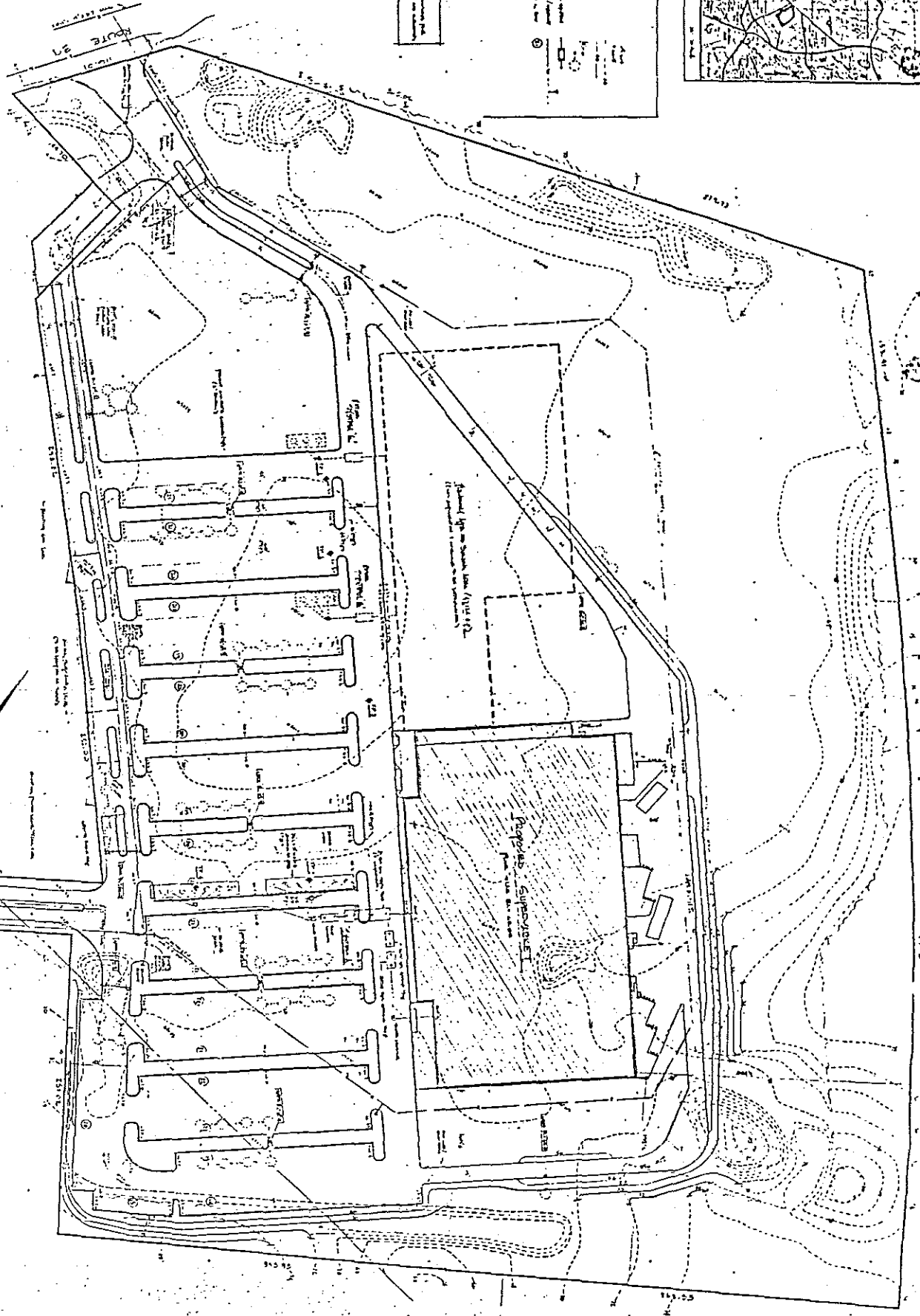


ROUTE 197 - MAIN ENTRY



NOTES:

1. All utility lines shown are approximate.
2. All dimensions are in feet.
3. All elevations are in feet above sea level.
4. All areas are in square feet.
5. All volumes are in cubic feet.



SITE GENERAL DATA

Item	Value	Unit
Site Area	41,800	Sq. Ft.
Lot Area	10,000	Sq. Ft.
Lot Count	4	
Lot Dimensions	100' x 100'	
Lot Spacing	10'	
Lot Orientation	North	
Lot Shape	Rectangular	
Lot Area Ratio	0.24	
Lot Spacing Ratio	0.10	
Lot Orientation Ratio	0.00	
Lot Shape Ratio	0.00	
Lot Area Ratio	0.24	
Lot Spacing Ratio	0.10	
Lot Orientation Ratio	0.00	
Lot Shape Ratio	0.00	

PERMITS CALCULATIONS

Building Footprint = 41,800 sq. ft.
 Proposed Supermarket = 10,000 sq. ft.
 Proposed Light on South Side of Site = 10,000 sq. ft.
 Proposed Parking = 10,000 sq. ft.
 Proposed Landscaping = 10,000 sq. ft.
 Proposed Other = 10,000 sq. ft.

Coastal Engineering Co.

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