



CAPE COD COMMISSION

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Date	May 12, 1994	Project:	151 North Market Street
Applicant:	Fields Point Limited Partnership		Route 151/Great Neck Rd No
Project #:	TRMOD93026		Mashpee, MA 02649
RE:	Modification of Development of Regional Impact Decision, dated March 4, 1993	Book/Page:	Book 912, page 40; Land Court 11520
	Cape Cod Commission Act, Section 12c	Lot/Parcel:	Assessor's map 74, lot 22
	<i>Doc. #579494</i>		

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

SUMMARY

The Cape Cod Commission hereby grants to Field's Point Limited Partnership, a modification to a Development of Regional Impact (DRI) approval with conditions. The original DRI approval was granted on March 4, 1993, pursuant to Section 12 of the Cape Cod Commission Act, c. 716 of the Acts of 1989, as amended. **All findings and conditions attached to the original decision continue to apply with the exception of Findings #16 a, and f and Conditions 1, 11 and 28 which have been modified below.**

PROCEDURAL HISTORY

On December 13, 1993, Field's Point met with the Commission's Regulatory Committee to discuss six modifications to the March 4, 1993 Decision. Of the six modifications proposed, the Committee determined that five involved changes to the site plan and/or changes to the findings and conditions of the original decision. A joint hearing of the 151 North Market St. Subcommittee and the Mashpee Planning Board was held on January 5, 1994 at the Mashpee Town Hall. A Subcommittee meeting was subsequently held on January 18, 1994 at the Commission office. The Mashpee Planning Board approved a modification to their special permit on February 2nd to allow the modifications proposed by the applicant and addressed in this decision.

Based upon testimony received at the public hearing, materials submitted by the applicant and supporting technical information provided by staff, the Subcommittee voted unanimously on February 3, 1994 to recommend to the full Commission that four of the five project modifications be approved in the form requested by the applicant. The Subcommittee recommended that the fifth modification request be approved with conditions. The Commission approved in concept, four of the five project modifications at its February 17, 1994 meeting. One modification (the design of North Market Street), was remanded to the Subcommittee for further review at the applicant's

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request. A final public hearing on the modification was held at the Mashpee Town Hall on May 4, 1994. A Subcommittee meeting was convened immediately following the hearing. The Subcommittee voted unanimously at that time to recommend that the final modification be approved with conditions that were acceptable to the applicant. A subcommittee report was presented to the Commission on May 12, 1994. At this meeting the Commission voted unanimously to approve the project modifications with conditions.

SUMMARY OF PROJECT CHANGES

A description of the five proposed changes to the project, accompanied by Subcommittee recommendations, follows:

1. Increase in size of bank/ additional drive through services:

The applicant proposes to alter the site and building plan for the bank located immediately to the right of the North Market Street entry drive off of Route 151. Major changes include the addition of 1,100 s.f. to the building, the addition of a third drive-through window and a physical connection between the bank and the adjacent building via a continuous cornice. Although changes to the circulation pattern in the vicinity of the bank as a result of these changes are problematic, the subcommittee felt that potential conflicts would not affect the entry drive or the regional roadway. The changes are expected to result in an increase in traffic impacts within the site.

2. Changes to North Market Street:

The original design for North Market Street included two travel lanes in each direction, a 15' wide center median, 18' sidewalks on both sides of the road and no parking along the street. The proposed changes along North Market Street include narrowing the sidewalks to 13', narrowing the center median to 13', adding nine (9) parallel parking spaces on the west side and four (4) parallel parking spaces on the east side (see attached site plans).

The Subcommittee agreed that the benefits of parallel parking along North Market Street outweighed any potential negative impacts.

a) The Subcommittee acknowledged that parked cars provide an important separation between pedestrians and the road and would slow traffic which would diminish the likelihood of accidents. They also felt that allowing parking in front of the small retail stores would enhance business by providing easier access to the front doors.

b) The applicant agreed to provide substantial shrub plantings and lighting in the proposed 13' wide island, in keeping with the spirit of the originally approved design. The Subcommittee voted to recommend approval of this proposal.

c) The Subcommittee agreed that sidewalks could be reduced from 18' to 13' to accommodate parallel parking on North Market Street.

d) The Subcommittee requested that the applicant provide a pedestrian crosswalk at the entry to the site off Route 151, no wider than 8', to prevent cars from attempting to negotiate u-turns through this area.

3. Proposed relocation of pedestrian path to northeast corner of site:

This proposed relocation places the pedestrian path along/near Old Bates road and allows it to enter Great Neck road North further away from the site drive. Considering this relocation to be a safety improvement, the subcommittee voted to recommend approval of this modification. (Refer to Field's Point Bikeway Modifications Plan, attached).

4. Alternate location for pedestrian/bicycle connection with adjacent residential area:

Providing a connection to the adjacent residential area (Sandpiper Village) is an essential part of the project's trip reduction program. However, the originally approved bike path connection to Sandpiper Village is circuitous and residents have expressed dissatisfaction with the proposal. The applicant proposes to eliminate the portion of the path that links to this residential property and instead, provide a pedestrian path that would give residents direct access to the Stop and Shop parking lot. The Subcommittee voted to recommend approval of this modification. (Refer to Field's Point Bikeway Modifications Plan, attached).

5. North Market Street Buildings:

Significant changes have been made to the proposed building facades along North Market Street since the March 4, 1993 Decision. The Subcommittee voted to recommend approval of this modification, subject to conditions regarding building materials, and suggested that other issues regarding proposed modifications to building facades be reviewed by the Mashpee Design Review Committee.

NEW MATERIALS SUBMITTED FOR THE RECORD

Materials submitted by the Applicant:

- Letter to R. Prince proposing modifications to original decision, December 1, 1993
- Letter to J. Potzka, Cape Cod Regional Transit Authority, regarding bus shelters, Jan. 13, 1994
- Letter to Commission staff listing final building square footages, February 7, 1994
- Letter to Commission staff regarding a request for a Partial Cert. of Compliance, May 4, 1994

Staff Reports, correspondence and minutes:

- Staff letter to Regulatory Committee summarizing proposed modifications, Dec. 7, 1993
- Cape Cod Commission staff report, dated December 21, 1993
- Public hearing and meeting minutes dated January 5, January 18, May 4, 1994
- Subcommittee Reports, dated February 9 and May 6, 1994
- 151 North Market Street Decision, March 4, 1993.
- Publication entitled "Parking", R. Weant and H. Levinson, ENO Foundation, 1990

Documentation from Town Officials:

- Planning Board Modification #1 to Special Permit Decision (draft), faxed by Mashpee Planner on February 7, 1994
- Letter from the Chair of the Mashpee Planning Board advising the Commission that the Planning Board had approved the North Market Street project modifications at its February 2, 1994 meeting, February 17, 1994

Materials submitted by other interested parties:

- Letter from Cape Cod Regional Transit authority commenting on recent site plan, Dec. 30, 1993

Plans submitted for the record:

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- Preliminary Site Plan, Bunker Stimson Solien, dated February 4, 1993
- Landscape Plan/151 Entrance Details, Mary LeBlanc, dated February 4, 1993
- Fax from Imai/Keller of draft revised site plan, dated December 20, 1993
- Proposed site plan with angled parking, Imai/Keller, January 12, 1994
- "Field's Point Bikeway Modifications" Plan: 8 1/2x11" map identifying agreed upon bicycle path route, prepared by staff, dated February 17, 1994
- Proposed site plan with parallel parking, Imai/Keller, March 16, 1994, revised May 4, 1994

TESTIMONY

At the joint hearing of the Cape Cod Commission and Mashpee Planning Board held on January 5, 1994 at the Mashpee Town Hall, a preliminary presentation of the North Market Street project changes was given by staff and the applicant. Comments and concerns focused on the redesign of North Market Street and particularly the proposal to provide angled parking and remove the median strip. The Planning Board decided to refer these issues to the Mashpee Design Review Committee and to continue their review to January 19, 1994.

At the January 18, 1994 public meeting, the Commission's Subcommittee discussed proposed project modifications with staff. After some discussion, the Subcommittee voted unanimously to recommend to the Commission that four of the five North Market Street project modifications be approved. The fifth modification request involving changes to the site design of North Market Street was approved subject to conditions involving parking, median width, crosswalks and bus stops.

At its February 17, 1994 hearing, the Commission approved four project modifications:

1. Increase in size of bank and additional drive through services
2. Relocation of pedestrian path
3. Alternate location for pedestrian/bicycle connection with adjacent residential area
4. Changes to North Market Street building facades

The applicant was not satisfied with the Subcommittee's recommended conditions for the fifth project modification (changes to North Market Street) and requested that this issue be remanded to the Subcommittee.

At an additional public hearing held on May 4, 1994, there was no public testimony given. The applicant presented a new proposal for the design of North Market Street which addressed many of the concerns expressed by the Subcommittee in its February 9, 1994 Subcommittee Report. Specifically, the applicant withdrew his request for angled parking along the street and proposed parallel parking instead. The Subcommittee found the new proposal to be an acceptable compromise and voted unanimously to recommend that the proposed modifications to North Market Street be approved with conditions.

FINDINGS ON THE MODIFICATION

The Commission has considered the application of Fields Point Limited Partnership for proposed modifications to its previous approval for a commercial development, and based on consideration of such application, the information presented at the public hearings and submitted for the record, the Commission hereby modifies Condition #16 (a) and (f) of the original decision and makes additional findings. The modifications to Condition #16, Sections (a) and (f) are as follows:

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16). Fields Point has agreed to provide the following pedestrian and bicycle enhancements in order to partially meet the 20% trip reduction requirement of the RPP, as shown on the Bikeway Modifications Plan dated February 17, 1994:

(a) Approximately 680' of 4' wide sidewalk from their site along Great Neck Road to Old Barnstable Road;

(f) An 8' wide bicycle path approximately 1,430' long along Old Bates Road from the northern property line to Route 151 at the relocated Police/Fire driveway opposite the existing intersection of Route 151 and Job's Fishing Road.

The additional findings are as follows:

- 1). The Mashpee Planning Board's approval of the Modified Special Permit is not consistent with this decision with respect to allowance of angled parking on North Market Street and the reduced width of the median on North Market Street. Mashpee's Modified Special Permit decision is less restrictive in this regard.
- 2). The placement of six small retail buildings along the North Market Street entrance drive define the street edges and establish a strong "Main Street" character. These small buildings, along with street tree plantings, pedestrian amenities, a landscaped center median and on-street parking, contribute greatly to the design success of the project. The North Market Street buildings also serve to screen the large parking field in front of Stop and Shop which is not consistent with the Regional Policy Plan Minimum Performance Standard 7.2.8.
- 3). The benefits of parallel parking along North Market Street outweigh any potential negative impacts. Parked cars provide an important separation between pedestrians and the road and slow traffic thereby diminishing the likelihood of accidents. Providing parking in front of the small retail stores would also enhance business by providing easier access to the front doors.
- 4). The increase of travel lane width from 11' to 12' along North Market Street will improve traffic flow and provide an added measure of safety for parked vehicles and bicyclists.
- 5). The reduction in width of the proposed median strip (from 15' to 13') is not substantial. The applicant agrees to plant trees and shrubs within the median, consistent with the originally approved plan.
- 6) The reduction in width of the sidewalks from 18' to 13' to accommodate parallel parking on North Market Street will not impair pedestrian movement in any way.
- 7) Pedestrian crosswalks at the entry to the site off Route 151, could be used by motorists to negotiate u-turns if they are wider than 8 feet.
- 8). The six small retail buildings along North Market Street will be under construction for several months after the opening of the supermarket building. Staging and construction areas could present a health hazard to shoppers using the site during this time unless properly fenced.

9). The revised building facades for the general retail buildings are comparable to the facades approved in the original decision.

10). Additional square footage added to the bank building and the addition of a third drive-through lane will increase traffic impacts and will therefore require an adjustment of fair-share commitments to off-site improvements. The increase in the fair-share amount is \$1,044 (one thousand forty four dollars), based upon the increase in square feet of the building area.

11). Subject to the attached conditions, the proposed modifications are consistent with the Minimum Performance Standards of the Regional Policy Plan and the probable benefits of the proposed modifications outweigh the probable detriments.

CONDITIONS ON THE MODIFICATION

Based upon the findings of the March 4, 1993 Decision, the modification of Finding #16 above, and the additional findings listed above, the Commission approves the 151 North Market Street Development of Regional Impact Modification, subject to the following conditions. All conditions attached to the original decision continue to apply with the exception of Conditions 1, 11 and 28.

1). A revised site plan and elevations of the bank and general retail buildings consistent with this decision shall be submitted within 21 days of this Modification approval and shall become part of the decision. Any changes shall be approved by the Commission. The revised site plan shall reflect approved changes to North Market Street, bicycle path locations, the approximate location of the walking path to Sandpiper Village and bus stop and shelter locations.

2). The Applicant shall obtain a Final Certificate of Compliance from the Commission or its designee before the Mashpee Building Inspector may issue permanent Certificates of Occupancy for the small retail buildings presently under construction. No commercial development proposed by the project may be opened to the public prior to the Commission's issuance of a Certificate of Compliance.

3). The revised North Market Street site design shall comply with the approved site plan dated March 16, 1994 and revised May 4, 1994 by Imai/Keller Inc. The design will provide for:

- 13 parallel parking spaces; 4 along the east side of the road and 9 along the west side;
- a 13' wide median with shrub and tree plantings, lighting and pedestrian crosswalks no wider than 8';
- 13' wide sidewalks with street trees and benches on both sides of the street;
- Two 12' travel lanes in either direction.

4). The plantings for the median strip shall remain consistent with the spirit of the original median planting design identified on the plan entitled "Landscape Plan/151 Entrance Details by Mary LeBlanc, dated February 4, 1993. The applicant shall make every effort to install the same species and quantities of plant material as are specified on the 1993 plan. In the event that fewer plants are installed in the median due to the reduction in width (from 15' to 13'), excess materials will be planted elsewhere on the site at the discretion of the Landscape Architect and Commission staff.

5). Fencing shall be placed around all construction areas by the time the supermarket opens,

consistent with Mashpee Building Inspector requirements for pedestrian safety and ease of vehicular movement.

6). In order to reduce trip generation by 20% per Section 4.1.2.1. of the RPP, the applicant has agreed to the following: (a) to construct approximately 3,610 feet of paved bicycle path and approximately 680 feet of sidewalks as specified in Finding 16; (b) to provide a minimum of two Cape Cod Regional Transit Authority bus stops and one shelter on site; (c) to complete other pedestrian enhancements including a walking path to Sandpiper Village across the northern property boundary; (d) bicycle racks; (e) a pedestrian actuated traffic signal at the Route 151 site drive; and (f) the vehicle connection to the adjacent commercial property.

7). The exterior of the structures within the development shall consist of clapboard, cedar shingles, or brick masonry.

8). The applicant shall adjust fair-share commitments to off-site improvements proportionally to the expected increase in traffic impacts. The increase in the fair-share amount is \$1,044 (one thousand forty four dollars), based upon the increase in square feet of the building area. This condition modifies Condition #12 of the original March 9, 1993 decision. The additional contribution shall be added to the previous fair-share commitment of \$263,000. The total amount of \$264,044 shall be spent in accordance with Conditions #12.

The Development of Regional Impact Decision issued March 4, 1993 pursuant to Section 12 of the Cape Cod Commission Act on the above referenced project is incorporated into this modified decision by reference. The Commission hereby grants Fields Point Limited Partnership a modification to that original Decision. This DRI approval is valid for a period of seven years from the date of the original decision.

David H. Ernst
David H. Ernst, Chairman

5/12/94
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 12th day of May, 1994

Katharine G. Peters
Name, Notary Public

My commission expires: September 1, 1997

