

CAPE COD COMMISSION

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Date: December 5, 1996

Applicant: Gibbs Management Corp.
50 Braintree Hill Office Park
P.O. Box 850226
Braintree, MA 02185-0226

Project #: TR960010
Project: Victory Fish
990 Iyanough Road, Route 132
Hyannis, MA

Re: Development of Regional Impact (DRI)
Cape Cod Commission
DRI Thresholds and Enabling Regulations

Lot/Parcel: 294-04, Bk. 7815, p. 108
Owner: Gibbs Management Corp.

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Gibbs Management Corporation for the Victory Fish redevelopment project, TR960010, as a Development of Regional Impact (DRI) under the DRI thresholds and Enabling Regulations as "new construction with a gross floor area greater than 10,000 square feet." The decision is rendered pursuant to a vote of the Commission on December 5, 1996.

*Victory Fish DRI Review - Hyannis, MA
Cape Cod Commission Decision - #TR960010
December 5, 1996*

PROJECT DESCRIPTION

The project is located at 990 Iyanough Road, Route 132, in Hyannis in the Business Zone and proposes replacement of an existing, vacant 17,200 sq. ft. retail building (formerly Victory Fish, Dansk, and the Basket Shop) with a new 25,000 sq. ft. retail building for an additional 7,800 sq. ft. of retail space.

PROCEDURAL HISTORY

The project was referred to the Cape Cod Commission on April 11, 1996 by Ralph M. Crossen, Building Commissioner for the Town of Barnstable, and was received by the Commission on April 12, 1996. A properly-noticed public hearing was conducted by a hearing officer on June 5, 1996. No presentations were made, no testimony was taken and no substantive action was taken regarding this project at this hearing. A public hearing was held by a subcommittee of the Cape Cod Commission on July 10, 1996 in the Assembly of Delegates Chambers, First District Court House, Barnstable, MA. A subcommittee meeting immediately followed this public hearing.

The Town of Barnstable and the Cape Cod Commission signed a Memorandum of Understanding (MOU) on July 31, 1996. Pursuant to the MOU a Joint Site Plan Review process with the Town and the Commission took place from August through October. Joint Site Plan Review meetings were held at the Town on August 22, September 5, October 3, and October 10, 1996. This process allowed the Commission staff, Town of Barnstable departments, and the applicant's team to discuss and pursue resolution regarding several issues. Under discussion were the following: traffic data analysis, future transportation projects in the Town of Barnstable, site access, parking location, landscape plan, lighting plan, drainage, open space, building design, and economic development issues. Meetings between the applicant and Commission Staff were held subsequent to these joint review meetings when necessary.

During this time two other properly noticed public hearings were subsequently noticed and continued by hearing officers. These were conducted on August 8, 1996 and August 29, 1996. No presentations were made, no testimony was taken and no substantive action was taken regarding this project at these hearings. An Extension Agreement to extend the decision time for the project to December 20, 1996 was finalized between the applicant and the Commission on September 5, 1996. A public hearing was held on November 13, 1996 in the Assembly of Delegates Chambers, First District Court House, Barnstable, MA. A subcommittee meeting was held on Friday, November 22, 1996 at the Cape Cod Commission. A public hearing with the full Commission was held on Thursday, December 5, 1996.

Materials Submitted for the Record:

From the Applicant:

- Application
- Traffic Impact Assessment Relative to the Former Victory Fish Site Route 132, Hyannis, Massachusetts, Atlantic Design Engineers, Inc., April 1996.
- Addendum Traffic Impact Assessment Relative to the Former Victory Fish Site Route 132, Hyannis, Massachusetts, Atlantic Design Engineers, Inc., May 1996.
- Lighting information.
- Site location maps.
- Memorandum from HSA Corporation, July 3, 1996.
- Memorandum from HSA, re: RPP and transportation issues, July 10, 1996.
- Letter from John F. O'Brien to Gay D. Wells, August 1, 1996.
- 11"x17" plans, July 31, 1996.
- Color photo of site location.
- Memorandum from HSA Corporation, September 19, 1996.
- Memorandum from HSA Corporation, October 8, 1996.
- Letter from John F. O'Brien to Ralph Crossen, October 8, 1996.
- Letter from David J. Anderson, Town of Barnstable to property owner re: sewer, November 21, 1994.
- Letter from Patrick G. DiGregorio to Ralph Crossen, March 27, 1996.
- Letter from Charles H. Cummings to Gay D. Wells, May 10, 1996.
- Memorandum from HSA Corporation, June 12, 1996.
- Letter from Marc R. Plante, P.E., July 3, 1996.
- Letter from Stephen Jais, President, Hyannis Area Economic Development Corporation to Gay D. Wells, July 22, 1996.
- Drainage information, revised August 21, 1996.
- Letter from John F. O'Brien to Gay D. Wells, September 6, 1996.
- Letter from John F. O'Brien to Gay D. Wells, September 19, 1996.
- Additional Transportation-Engineering Analysis, Proposed Victory Fish Site Redevelopment, Route 132, Hyannis, Mass, HSA Corporation, September 19, 1996.
- Letter from John F. O'Brien to Ralph Crossen, October 31, 1996.
- Redevelopment of Victory Fish Site, DRI Benefits/Detriments Analysis.
- Letter from HSA Corporation to Ralph Crossen, October 8, 1996.
- Letter from Charles H. Cummings to CCC, November 8, 1996.
- Handwritten note from Edward J. Sweeney, Jr. Esq. to Gay Wells, November 22, 1996.
- Letter from Edward J. Sweeney, Jr. to Gay Wells, November 22, 1996.
- Revised Lighting Plan, September 16, 1996.
- Revised Building Elevation, September 30, 1996-Revised Rear.
- Revised Layout and Utilities Plan, October 15, 1996.
- Revised Grading and Drainage Plan, October 15, 1996.

From the Cape Cod Commission:

- Memorandum from Gay Wells to CCC Subcommittee, April 22, 1996.
- Letter to Charles H. Cummings from Gay D. Wells, April 26, 1996.
- Notes from phone conversation with C. Cummings, April 30, 1996.
- Memorandum to CCC Subcommittee from Gay Wells, May 1, 1996.
- Letter to Ralph Crossen from Gay D. Wells, May 1, 1996.
- Memorandum to CCC Staff from Gay Wells, May 3, 1996.
- Notes from a meeting with applicant, May 21, 1996.
- Letter to Charles H. Cummings from Gay D. Wells, May 23, 1996.
- Memorandum to CCC Subcommittee from Gay Wells, May 27, 1996.
- Letter to Charles H. Cummings from Gay D. Wells, May 27, 1996.
- Letter to Ralph M. Crossen from Gay D. Wells, May 27, 1996.
- Issues for Discussion, June 6, 1996.
- Letter to Ralph M. Crossen from Gay D. Wells, June 7, 1996.
- Notes from a meeting with the Town of Barnstable, June 14, 1996.
- Alternative access scenarios.
- Copy of CC Times article.
- Notes from a meeting with applicant, June 17, 1996.
- Notes from phone conversation with Edward Sweeney, Jr., June 19, 1996.
- FAX to Edward Sweeney, Jr. from Gay Wells, June 19, 1996.
- Notes from a meeting with applicant, July 2, 1996.
- Letter from Charles Cummings to Gay D. Wells, May 10, 1996.
- Memorandum to CCC Subcommittee from Gay Wells with attachments, July 5, 1996.
- CCC Staff Report, July 10, 1996.
- Staff Summary, July 10, 1996.
- Cape Cod Times article, July 12, 1996.
- Notes from phone conversation with Edward Sweeney, Jr., July 16, 1996.
- Notes from phone conversation with John O'Brien, August 8, 1996.
- Notes from phone conversation with John O'Brien, August 19, 1996.
- Provision of landscape plans for other projects, August 20, 1996.
- FAX to Edward Sweeney, Jr. of letter from McDonough & Scully, August 19, 1996.
- Letter to Edward J. Sweeney, Jr. from Gay D. Wells, August 26, 1996.
- Letter to Charles Cummings from Gay D. Wells, August 9, 1996.
- Extension Agreement, September 5, 1996.
- Comments from Sharon Rooney on revised Landscape Plan, September 5, 1996.
- Memorandum from Greg Guimond to Gay Wells, September 3, 1996.
- Notes from phone conversations with John O'Brien, Ralph Crossen, and Edward Sweeney, Jr., September 9, 1996.
- Alternative access concept plans, September 10, 1996.
- Letter to John F. O'Brien from Gay D. Wells, September 12, 1996.
- CCC comments for Joint Site Plan Review, September 26, 1996.
- Notes from a meeting with applicant, October 16, 1996.

- Memorandum to CCC Subcommittee from Gay D. Wells, October 30, 1996.
- CCC Staff Report, October 31, 1996.
- Request for information from John O'Brien, November 5, 1996.
- Proposed draft plan of Attucks Way.
- Transportation delay data.
- Notes and sign-in sheet from Public Hearing, November 13, 1996.
- Memorandum from Tana Watt to Gay Wells, November 12, 1996.
- Letter to Ralph Crossen from Robert Mumford, November 14, 1996.
- FAX of Draft Decision to Joe Travelo, George Benway, Edward Sweeney, and Ralph Crossen, November 21, 1996

From the Town of Barnstable and others:

- Letter of referral from Ralph M. Crossen to CCC, April 11, 1996.
- FAX from Art Traczyk to Sue Pommrehn, May 15, 1996.
- Site Plan Review Schedule, Town of Barnstable, June 4, 1996.
- Letter from Robert A. Burgmann, P.E. to Gay D. Wells, July 16, 1996.
- Memorandum of Understanding (MOU), July 31, 1996.
- Site Plan Review comments, Town of Barnstable, August 14, 1996.
- Letter to Robert Burgmann, P.E. from McDonough & Scully, August 19, 1996.
- Joint Site Plan Review schedule, August 22, 1996.
- Letter to Robert Burgmann, P.E. from McDonough & Scully, September 25, 1996.
- Letter to John O'Brien from Ralph M. Crossen, October 15, 1996.
- Joint Site Plan Review schedule, October 3, 1996.
- Minutes from Joint Site Plan Review, October 3, 1996.
- Joint Site Plan Review schedule, October 10, 1996.
- Minutes from Joint Site Plan Review, October 10, 1996.
- Meeting cancellation, Site Plan Review, October 17, 1996.
- Letter to Gay Wells from Ralph M. Crossen, October 23, 1996.
- Letter to Gregory Silverman & Sumner Kaufman from Warren J. Rutherford, December 4, 1996.

TESTIMONY

At a public hearing on Thursday, July 10, 1996 the following people testified on the proposed project:

Gay Wells, Commission Planner, gave a brief description of the project and presented staff comments. She stated that the Commission staff believes that this is a desirable project once all the issues are resolved. With regard to the access drive onto Route 132, the staff believes that the applicant already has reasonable access onto the roadway network and does not need a signal.

Edward Sweeney, Jr., Esq., representing the applicant described the existing site conditions, proposed building design, and landscaping and he noted consistency with certain elements of the Regional Policy Plan. Mr. Sweeney stated the benefits of the project and explained the proposed signal. He also made comments regarding the staff report regarding signage, lighting, parking, hazardous wastes, sewage treatment connection, and permanently restricted open space. He also explained that a tenant has not been obtained for the site.

Rich Tabaczynski from Atlantic Design, consultant to the applicant, responded to the staff comments regarding transportation issues and explained the NETSIM computer analysis they conducted. Mr. Tabaczynski also explained the twenty percent trip reduction provisions.

Kim Hazavartian, Transportation Engineer and consultant to the applicant, further discussed the LOS analysis and explained why he believes that the signalized intersection would improve traffic in the vicinity of the site.

Sumner Kaufman asked questions about the proposed signal. George Benway stated that he believes that bike traffic should be discouraged. Joe Travelo inquired about traffic routing. Mr. Olsen inquired about the small size of the traffic study area.

Sue Pommrehn, Commission Transportation Engineer, presented the transportation staff report. She reviewed the current and possible future access to the site and Southwind Plaza. She stated that the existing access to the plaza is reasonable. She explained that there are alternative access proposals that would allow for construction of the project without signalization. Lance Lambros inquired why the unsignalized intersection is better. Mr. Benway noted that the existing configuration does not allow for left turns.

Anna Brigham, Barnstable Site Plan Review Coordinator, stated that the town engineers have concerns about the installation of a new signal on Route 132 and would like to have an independent study to demonstrate that the LOS cannot be achieved without the installation of a signal. She also noted zoning and site design issues.

At a public hearing on Wednesday, November 13, 1996 the following people testified on the proposed project:

Edward Sweeney, Jr., Esq. presented the project and noted that most of the concerns have been addressed. The two outstanding issues are the traffic signal and the parking in front of the building. Mr. Sweeney explained the parking constraints. He stated the benefits of the project. It is his position that the benefits of the project

outweigh the detriments, even with the installation of the signal. Mr. Flatley addressed the subcommittee and noted that they are proposing the construction of a first class building and spoke in favor of redevelopment in commercial areas.

Kim Hazavartian explained the closed-loop system and stated that the signal will be coordinated with other signals in the corridor so that traffic will move smoothly along Route 132.

Gay Wells presented the staff report and noted that the two outstanding issues are the signal and the parking along Route 132. She enumerated the other issues which have been addressed and resolved.

Sue Pommrehn addressed the transportation issues by recommending one of two access alternatives, both without a traffic signal. She noted that the Regional Policy Plan requires that non-structural solutions should have preference over structural mitigation. Ms. Pommrehn noted problems with safety and traffic delays a signal would cause. She noted that the signal is not necessary for any traffic mitigation.

Sumner Kaufman and George Benway inquired about the safety issues. Joe Travelo inquired about the traffic from the proposed Mall Liquors store. Mr. Olsen inquired about the status of the Attucks Way extension. Mr. Kaufman inquired about the uses that are permitted on the site. Mr. Sweeney stated that retail uses will be allowed only by special permit from the Barnstable Zoning Board of Appeals.

Ralph Crossen, Building Commissioner for the Town of Barnstable, stated that originally the Town did not favor the proposed signal, however, after their traffic consultant (McDonough & Scully) stated that the signal would not create any significant impact, the town decided that a signal could be permissible. He stated that while there are several pros and cons regarding the signal, the Town now has a neutral position. Mr. Travelo inquired whether the signal is needed. Mr. Crossen stated that the signal is not needed; however, it does not create a problem. The subcommittee asked questions about turning lanes and the Town's right-of-way.

Mr. Olsen inquired whether structural improvements are contrary to the RPP. Ms. Wells responded that they are contrary to the RPP in this case. Bob Mumford, Commission Transportation Program Manager, noted that the signal benefits the minor street to the detriment of the major street and all future development in the corridor. This is why structural mitigation should be minimized.

Mr. Sweeney gave his final presentation and explained that the majority of issues has been addressed. He stated their belief that there should be no concern over the location of the signal. He stated that the McDonough & Scully report states that it is not

too close to other signals. This report also states that the signal would improve safety. Mr. Sweeney also stated that he does not believe that the RPP implies that a signal should be prohibited if it improves traffic. He also noted that the signal is needed for the economic well-being of Southwind Plaza.

There was a discussion about parking location, economic viability issues, and signage. There was a discussion about access to the Southwind Plaza as it currently exists.

Mr. Mumford emphasized that from a traffic point of view, flow along Route 132, conflict points, safety and proximity to other signals, there are not valid traffic-related reasons for the signal and stated that there should not be an economic trade-off for the traffic issues. Mr. Mumford noted that the Commission has rarely, if ever, allowed an applicant to benefit one issue area to the detriment of another issue area. He also had questions about the McDonough & Scully study.

Mr. Sweeney responded that the signal is being proposed for both traffic safety and economic viability.

The subcommittee asked to receive more information about the McDonough & Scully study from the Town and would like the Town's opinion on the traffic signal. Bob Mumford said he will write a letter to the Town.

Subcommittee Meeting

A subcommittee meeting was held at the Cape Cod Commission on Friday, November 22, 1996 at 10:00 a.m. The committee members discussed the issue of the installation of a signal. Mr. Kaufman discussed the impact of the signal on through traffic on Route 132. He noted that the staff comments indicated that the signal would result in an increased delay of seven seconds per vehicle. He questioned whether it is a significant impact. Sue Pommrehn and Bob Mumford responded that one must multiply the seven seconds by the approximately 2,400 vehicles during the peak hour on Route 132 that go through the intersections of Independence Drive and the proposed intersection to understand that the impact in time is actually much greater.

Mr. Benway stated that he is more concerned about safety than lost time. Mr. Olsen stated that he is concerned about both issues. He noted that most of the recent development along Route 132 has been approved by the town with a right turn in / right turn out access drive. Even though the town has not given a further opinion on the Victory Fish project, they have been very consistent on this issue in the past.

Mr. Kaufman noted that currently the site is unsightly. The proposed project will vastly improve the site. He questioned whether the benefits of fixing up the site outweigh the detriments of installing a signal.

Mr. Benway stated that more lights means more congestion. He is disappointed that the town did not take a position on the signal. He inquired whether a signal could later be installed if the town changed its mind. The committee noted that the applicant can always propose a modification at a later date.

Gay Wells distributed a letter from Ed Sweeny pertaining to his position on the draft decision. The letter requested several modifications, the most significant involving the installation of the signal.

The committee discussed whether the signal's installation should be a decision of the town, whether the signal complies with the RPP, and what the Commission's decision on the issue should be. They discussed the possibility of approving the project with a right-in/right-out without a signal and leaving the decision to the Town regarding installing a signal at a later time. However, the members of the subcommittee concurred that the signal does not meet the standards in the RPP and would not be a benefit to the town due its detrimental impact on the Route 132 corridor and, therefore, rejected this approach.

Mr. Olsen did not agree with items 3c, d, and e of Mr. Sweeney's letter. Mr. Olsen supported the staff's interpretation of the McDonough-Scully letter and supported the staff's position with regard to transportation issues. He was also not in agreement with Mr. Sweeney's interpretation in item 4 with regard to the results of the Joint Site Plan Review with the Town of Barnstable. A decision could not be reached at that time due to the fact that the project is still under review by the Commission, a recommendation must be made by the subcommittee, and a vote taken by the full Commission.

The committee decided to accept Mr. Sweeny's request in item 2 to eliminate the need for the submittal of a sign plan as stated in condition 4. The committee also instructed the staff to review item 3a and make revisions, if necessary, and to revise 3b regarding ownership.

Mr. Kaufman moved that the draft decision as modified be sent to the full Commission as the recommendation from the committee. Mr. Benway seconded the motion and it was unanimously approved.

Mr. Benway expressed disappointment that the town did not make a more definite decision regarding the signal. Mr. Kaufman questioned whether the signal issue is a regional or local issue. The committee concurred that the signal is both a regional and local issue.

JURISDICTION

The proposed project qualifies as a Development of Regional Impact under the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended, as "new construction with a gross floor area greater than 10,000 sq. ft."

FINDINGS

The Commission has considered the DRI application of Gibbs Management Corporation for the proposed Victory Fish redevelopment project at 990 Iyanough Road, Route 132, in Hyannis. Based on the considerations of such application, the information presented at the public hearings and submitted for the record, and the subcommittee recommendations, the Commission makes the following findings:

1. The site currently consists of a vacant 17,200 sq. ft. retail building on a non-vegetated site.
2. The project proposes to replace the existing 17,200 sq. ft. building with a new 25,000 sq. ft. retail building for an additional 7,800 sq. ft. of retail space.
3. The project exceeds the threshold for a Development of Regional Impact specified in Chapter A, Section 3 of the Cape Cod DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended, as "new construction with a gross floor area greater than 10,000 sq. ft."
4. The project is not located within a designated District of Critical Planning Concern or the Capewide Open Space/Greenbelt Network.
5. The Victory Fish site is located within a Wellhead Protection Area and the Lewis Bay Marine Water Recharge Area. The applicant proposes to be connected to the existing sewer system and received a letter from David J. Anderson, Barnstable Department of Public Works, on November 21, 1994 stating the availability of the sewer connection.

6. The site is located within a heavily-developed area. The project site has been previously developed and cleared of vegetation. Consequently, the site's value as plant and wildlife habitat is extremely limited and the project proposes to provide the 40% Open Space required by the Regional Policy Plan as the landscaped areas as designated on the Landscape Plan, dated November 25, 1996 attached to and conditioned through this decision.
7. The Massachusetts Historical Commission (MHC) has reviewed the proposed project and sent a reply from Paul A. Holtz, Historical Architect, on March 25, 1996 stating, "After review of the MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources."
8. The Lighting Plan dated September 16, 1996 meets Cape Cod Commission standards.
9. The building design and construction materials of the proposed building as shown on the revised Elevation Plan, dated November 25, 1996, are in keeping with Community Character standards.
10. The Commission finds that locating additional parking at the rear of the site is infeasible due to setback requirements and drainage constraints; therefore, the proposed site plan meets Minimum Performance Standard 7.2.8 of the Regional Policy Plan, which states that, "Parking shall be located to the rear or the side of a building or commercial complex unless such location is completely infeasible."
11. The Victory Fish site and Southwind Plaza are located on adjacent lots. While the Victory Fish site is owned by Gibbs Management Corp. and Southwind Plaza is owned by the Flatley Company, there is a direct relationship between their ownership and the applicant raised issues pertaining to Southwind Plaza in the course of the Victory Fish review.
12. A vehicular and pedestrian connection between the Victory Fish site and Southwind Plaza would encourage shopping at both sites and would improve the accessibility of the Victory Fish site. Signage is required to make patrons at both sites aware of the connection.

13. A vehicular and pedestrian connection between Southwind Plaza and Festival at Hyannis is a condition in the Southwind Plaza Expansion Decision #TR930014 and would be beneficial to the economic viability of Southwind Plaza and the Victory Fish site, as well as improve traffic flow in the Route 132 corridor.
14. Additional signage along Route 132 for the Victory Fish site and Southwind Plaza, specifically at the signalized intersection of Independence Drive and Route 132 would enhance orderly traffic flow.
15. The applicant has analyzed alternative access scenarios as recommended by Commission staff.
16. A single right-turn in and right-turn out driveway on Route 132 is adequate to serve the combined traffic of the Victory Fish site and Southwind Plaza site. This access configuration is consistent with Town policy for access on Route 132, is consistent with the long-range "median boulevard Route 132 plan," is consistent with other developments along the corridor, and is consistent with the Regional Policy Plan. This access configuration is consistent with those policies and plans with or without the extension of Attucks Way.
17. The Regional Policy Plan states that structural mitigation, such as roadway widening and signalization, shall be undertaken only if other alternatives are ineffective or infeasible. The Massachusetts Highway Department indicates in the *State Highway Design Manual* that traffic signals should be installed only after other less restrictive means of control, such as stop signs, have been employed without success. Because the site access has been shown by Commission staff to be adequate without a signal, a signal is not consistent with the Regional Policy Plan and is not considered permissible mitigation.
18. The project traffic will not degrade the intersections of Route 132 with Independence Drive and Festival Mall below acceptable levels of service (LOS C), thus no mitigation would be required at these locations.
19. A signal at the proposed location is likely to experience more accidents than a single right-turn in and right-turn out driveway. This is supported by the accident data for other access points along Route 132.
20. A signal at the proposed location will add delay for traffic on Route 132. Based on the proponent's capacity analysis, the average delay in travel time for Route 132 traffic would be 7 second per vehicle during the peak hour. This is a significant delay when multiplied by the approximately 2,400 vehicles during

the peak hour on Route 132 that go through the intersections of Independence Drive and the proposed intersection. A signal is also likely to reduce flexibility of a coordinated signal system for Route 132, and is inconsistent with signal spacing guidelines advocated by the Institute of Transportation Engineers (ITE).

21. The following recommended improvements meet the 20 percent trip reduction requirement of reducing the site by 61 trips per day:
 1. a vehicular connection between the Southwind Plaza and Victory Fish sites,
 2. a pedestrian sidewalk which connects Southwind Plaza and Victory Fish buildings with each other, Route 132 and transit,
 3. providing bicycle racks on site, and
 4. coordination with the Cape Cod Regional Transit Authority (RTA) for transit service to the site.
22. There is an existing right-in/right-out access drive from Route 132 to Southwind Plaza.

CONDITIONS

1. All conditions shall be met prior to the issuance of a Certificate of Compliance by the Cape Cod Commission. No permanent or temporary Certificate of Occupancy shall be issued prior to issuance of a Certificate of Compliance.
2. The project shall be constructed in accordance with all approved plans which shall be attached to the decision. The plans are the following:

(Note that these plans all show the site with a proposed traffic signal, which was not approved for this project. Revised plans must be submitted to the Commission and the Town of Barnstable showing a right turn in/right turn out.)

Revised Lighting Plan	- September 16, 1996
Revised Layout and Utilities Plan	- October 15, 1996
Revised Grading and Drainage Plan	- October 15, 1996
Revised Building Elevation	- November 25, 1996
Revised Landscape Plan	- November 25, 1996

3. The provision of 40% Open Space is provided through the landscaped areas on the Landscape Plan, dated November 25, 1996. This area (63,480 sq. ft.) shall remain as permanent Open Space. This plan shall be attached to and

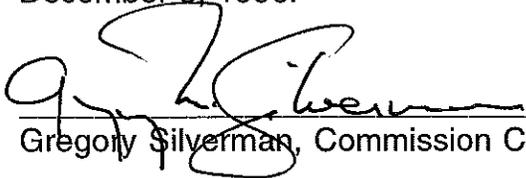
recorded with this decision. No future addition to the building, or changes in parking location, impervious areas, or landscaped areas shall be implemented without prior Cape Cod Commission review and approval. No reduction in this 40% Open Space shall be permitted, unless an equivalent amount is substituted on-site or off-site in an area approved by the Cape Cod Commission.

4. No internally illuminated signs (including neon) will be permitted for wall signs, free standing signs, or for signs in storefront windows.
5. Project approval is conditioned upon a connection to the Town of Barnstable sewer system. Proper documentation of the sewer connection must be provided to the Cape Cod Commission.
6. The applicant shall provide the following 20% trip reduction measures:
 1. a vehicular connection between the Southwind Plaza and Victory Fish sites,
 2. a pedestrian sidewalk which connects Southwind Plaza and Victory Fish buildings with each other, Route 132 and transit,
 3. the provision of bicycle racks on site, and
 4. coordination with the Cape Cod Regional Transit Authority (RTA) for transit service to the site.
7. Access to the Victory Fish site shall be right-turn in, right-turn out only. Plans shall be submitted to the Regulatory Committee of the Cape Cod Commission for review and approval.

CONCLUSION

After review of the project as a Development of Regional Impact under the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended, the Commission hereby concludes that the proposed Victory Fish project in Barnstable, MA be approved as a Development of Regional Impact without the traffic signal according to the conditions contained herein. This conclusion is based on findings 1 through 22 listed above.

This Decision is rendered pursuant to a vote of the full Cape Cod Commission on December 5, 1996.



Gregory Silverman, Commission Chair

12/19/96

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 19th day of December 1996



Name, Notary Public

My commission expires: NOT VALIDATED