

CAPE COD COMMISSION

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Date: September 18, 1997

Applicant: The Stop and Shop Supermarket Company
c/o Robert C. Davis, Esq.
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110-3333

Project #: TR97006
Project: Falmouth Super Stop and Shop
Route 28 and Jones Road
Falmouth, MA

Re: Development of Regional Impact
Cape Cod Commission Act, Section 12

Book/Page #s: Book 773, Page 71; Book 8407, Page 101
Barnstable County Registry of Deeds

Owners: C. Gerard Drucker and Herbert Carver
Trustees of Teaticket Plaza Trust
160 Gould Street, Suite 122
Needham, MA 02194

Lewis G. Schaeenman, Jr., Joseph D. McGlinchey, et al.
Trustees of Taron Realty Trust
P.O. Box 369
Boston, MA 02101

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves with conditions the application of Stop and Shop Supermarket Company for a Development of Regional Impact (DRI) permit under Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the redevelopment of Teaticket Plaza, including expansion of the existing Stop and Shop on Route 28 and Jones Road in Falmouth, MA. This decision is rendered pursuant to a vote of the Commission on September 18, 1997.

Falmouth Stop & Shop/Teaticket Plaza Redevelopment, Falmouth, MA
September 18, 1997 Decision - #TR97006

PROJECT DESCRIPTION

The existing Teaticket Plaza property is approximately 9.5 acres and includes an existing Stop and Shop building totaling 51,495 square feet, and a retail building totaling 58,187 square feet. The proposed project includes expansion of the existing Stop and Shop supermarket by 22,165 square feet and a reduction in the remaining retail space by 24,442, resulting in an overall reduction in building area on the site of approximately 2,277 square feet. The proposed project also includes addition of an adjacent undeveloped lot totaling 19,101 square feet into the site plan, reconfiguration of the existing parking and site access, enclosure of the supermarket loading docks, installation of a new stormwater system, building facade improvements, new landscaping, signage, and new site lighting.

PROCEDURAL HISTORY

The project was referred as a Development of Regional Impact by Chris Lebherz, Chairman of the Falmouth Zoning Board of Appeals, on May 7, 1997.

A duly noticed public hearing was held on June 26, 1997, at the Falmouth Town Hall for the purpose of taking testimony on the proposed project. The hearing was continued to July 29, 1997 at the Gus Canty Recreation Center. The hearing was closed on July 29, 1997.

Subcommittee meetings were held on August 21, 1997 and September 4, 1997 at the Cape Cod Commission office. The hearing was reopened for the decision period on September 18, 1997 at the Cape Cod Commission meeting in the Assembly of Delegates Chamber in Barnstable.

Materials Submitted for the Record

Town Submittals:

- DRI referral form dated May 7, 1997
- Letter from Robert H. Murray, Executive Director, Falmouth Housing Authority, dated June 2, 1997, re: transportation concerns.
- E-mail from Janet Fredericks, Chairman, Falmouth Transportation Management Commission, dated June 25, 1997, re: transportation concerns.

Staff Reports and Correspondence:

- Development of Regional Impact Notification Form dated May 14, 1997.
- Memo from staff to subcommittee dated May 14, 1997 re: June 26, 1997 public hearing.
- Memo from staff to subcommittee dated June 5, 1997 re: application materials.
- Staff Report dated June 20, 1997.
- Staff Report dated July 24, 1997.
- Memo from Sarah Korjeff to Bob Davis dated July 21, 1997 re: Regional Policy Plan requirements.
- Memo from staff to subcommittee dated August 7, 1997 re: Project Update.
- Public hearing and subcommittee meeting minutes dated June 26, 1997, July 29, 1997, August 21, 1997, September 4, 1997.

Submittals from the Applicant:

- DRI Application and attachments, dated June 3, 1997, received June 4, 1997, including Regional Policy Plan Consistency Statement, Asbestos and Regulated Materials Survey, and

Noise Impact Assessment.

- Trip Generation Comparison 1 and 2, received June 19, 1997.
- Memo from Randy Hart, VHB, to Paul Tilton, dated June 26, 1997, re: responses to traffic comments.
- Stop and Shop Neighbor's List, received June 26, 1997.
- Memo from Dennis Hand, VHB, to Sarah Korjeff, dated June 30, 1997 re: pylon sign detail.
- Letter from Robert C. Davis to Sarah Korjeff, dated August 1, 1997, re: meeting with staff.
- Letter and attachments from Walter Steinkrauss, Stop and Shop, to Sarah Korjeff, dated July 23, 1997, re: hazardous materials issues.
- Memo from Randy Hart, VHB, to Paul Tilton, dated July 24, 1997, re: transportation issues.
- Memo from Randy Hart, VHB, to Paul Tilton, dated July 28, 1997, re: collision diagram.
- Memo from Frank Stewart, VHB, to Sarah Korjeff, dated July 23, 1997, re: new landscape plans.

Submittals from Government Agencies:

- Massachusetts Historical Commission Project Notification Form, reviewed and stamped by Allen Johnson, Preservation Planner, dated February 6, 1997.

Submittals from the Public:

- Letter from Dorothy J. Sgarzi to Cape Cod Commission, dated June 26, 1997, re: shopping cart returns.
- Letter and attachments from Don Facey to Cape Cod Commission, dated June 19, 1997, re: noise and parking lot lights.

The application and notice of the public hearing relative thereto, the Commission's staff reports, correspondence, notes and exhibits, minutes of the hearing and all written submissions received in the course of the proceedings, including materials submitted on file TR#97006, are incorporated into the record by reference.

TESTIMONY

At the June 26, 1997 public hearing, Robert Davis, attorney for the applicant, and Michael McNeice, VHB, described the project. Mr. McNeice stated that there is currently 109,600 square feet of commercial space, with approximately 470 parking spaces, and 83% of the site is covered by buildings or pavement. The project proposal is to expand the Stop & Shop store to the side and the front while reducing the size of the retail building. The new Stop & Shop building would include 73,000 square feet. The site would have approximately 471 parking spaces and 82% of the site would be impervious. Mr. McNeice explained the new water line tie-in and the enclosed loading docks. Mr. Davis stated that many abutters had been contacted to discuss the project. Sarah Korjeff, Commission staff, summarized the staff report, commenting on water resources, transportation, community character, solid and hazardous waste, and open space. Paul Tilton, Commission staff, described trip generation calculations for the project. Andy Dufresne, VFW Post #2569, questioned the treatment of the abutting undeveloped parcel. Mr. McNeice described landscaping and the right-turn-in access proposed there. Ed. Teals, Teaticket Apartments, suggested a right-turn lane. Harvey Clauson, 151 Trust, stated that the applicant should beautify the abutting parcel. Raleigh Costa, Teaticket Civic Association, stated that Stop & Shop had met with the

Civic Association to discuss the project. Chester Krajewski, Teaticket Civic Association, asked how the empty stores on site would be affected and noted that trucks currently unload in front of stores and create a dangerous situation. A. John Howes, abutter, stated his support for improving the abutting undeveloped parcel of land.

At the July 29, 1997 public hearing, Michael Ford, attorney for the applicant, and Bob Lacourse, VHB, presented the project. Mr. Ford commented on the Regional Policy Plan requirement for a denitrifying septic system and suggested giving the applicant time to connect to town sewer before requiring a denitrifying septic system be installed. Mr. Lacourse described the landscaping proposed along the VFW property. Walter Steinkrauss, Stop & Shop, stated that the company will maintain the entire site. Mr. Lacourse described proposed improvements to the rear of the site, including a woven wire fence to collect trash, regrading and mulching, and two locked gates to limit access between the existing fences. Mr. Ford stated that the project will address concerns regarding noise by limiting the need for refrigeration trucks. He also stated that they will meet the Commission's lighting standards. Randy Hart, VHB, reviewed the advantages of the right-turn-in-only access and the redesigned main site access. Mr. Ford submitted a letter describing how Stop & Shop would address hazardous waste issues. He stated that Stop & Shop is willing to have externally lit pylon signs, but wants to keep the building signs internally lit. Mr. Ford also stated that they have lost 6 or 7 parking spaces with the new landscaping proposal and would prefer not to incorporate carriage returns. Mr. Ford stated that they would make a good faith effort to pursue application for a sewer connection with the town. Mr. Steinkrauss stated that it would take about one month to install a denitrifying system and identified where it could be located on the site. Mr. Hart stated that the proposed project will generate less traffic than the existing condition and stated that there would be little benefit from a right turn lane. Sarah Korjeff, Commission staff, summarized the staff report, commenting on the denitrifying system requirement, landscaping, lighting, noise, and signage. Paul Tilton, Commission staff, reviewed the outstanding transportation issues, including concerns regarding the main site access design. Adrian Dufresne, VFW, stated that the applicant met with the VFW to discuss landscaping and suggested that pruning and maintenance of the parcel abutting the VFW be added to requirements for general site maintenance. Mr. Steinkrauss stated that the internally lit signs cost approximately \$30,000 and that they must be negotiated between the landlord and sub-tenants. Mr. Ford noted that the applicant needs relief from the Zoning Board of Appeals.

At the August 21, 1997 and September 4, 1997 subcommittee meetings, the subcommittee discussed the issue of signage illumination, determining that Stop and Shop signage should be externally illuminated and that internally illuminated tenant signage must be replaced by the end of their current lease agreements. The subcommittee also agreed upon appropriate landscaping improvements to the site to address abutters' concerns, and traffic calming within the parking area to discourage cut-through traffic.

JURISDICTION

The proposed project qualifies as a Development of Regional Impact (DRI) under the Code of Cape Cod Commission Regulations of General Application, Chapter A, Section 3(e), Barnstable County Ordinance 94-10 as a proposed expansion of a commercial development

greater than 10,000 square feet.

FINDINGS

Based on the testimony received at the public hearings, application materials submitted by the project proponent, written material submitted by all interested parties, and supporting technical information provided by staff, the Commission voted that the proposed Falmouth Stop and Shop project be granted a DRI approval with conditions based upon the following findings:

General:

G1. The plan is consistent with local zoning regulations with the exception of the parking configuration within the Public Use District. The applicant may apply for relief from the Zoning Board of Appeals to maintain parking within the Public Use District. The applicant will also apply to the Planning Board for a Site Plan Special Permit. The project site does not lie within a District of Critical Planning Concern.

G2. The proposed project involves the redevelopment of Teaticket Plaza in Falmouth. The existing plaza includes 109,682 square feet of commercial space and approximately 470 parking spaces. The redevelopment proposal includes expansion of the existing Stop & Shop supermarket by 22,165 square feet and simultaneous reduction of the existing retail building by 24,442 square feet, resulting in an overall reduction in building area of approximately 2,277 square feet. The proposed project includes approximately 465 parking spaces.

Water Resources:

WR1. The project is located within a Marine Water Recharge Area which is the watershed to Little Pond, a nitrogen overloaded system. The project area is also classified as a Water Quality Improvement Area under the 1996 Regional Policy Plan. Section 2.1.1.2.C of the Regional Policy Plan requires the use of DEP-approved alternative systems with enhanced nitrogen removal in Marine Water Recharge Areas, unless a Commission-approved cumulative nitrogen loading assessment of the embayment and recharge area indicates that nitrogen loading from a Standard Title 5 system is acceptable.

WR2. Without enhanced nitrogen removal, the proposed redevelopment will reduce the annual nitrogen loading rate of the site from 41 kg/acre to 34 kg/acre. Existing annual nitrogen loading within the watershed to Little Pond is 22 kg/acre. If the wastewater from the site was treated to 19 ppm nitrogen, the annual loading rate from the site would be reduced to 21.7 kg/acre, which would be consistent with the rest of the watershed and with Sections 2.1.1.2.C. and 2.1.1.2.E of the Regional Policy Plan.

WR3. Nitrogen loading from this site could be significantly reduced by connection to the town sewer system. If this site were connected to town sewer, all future septic system nitrogen could be eliminated from the site, which would be beneficial to the Marine Water Recharge Area/Little Pond watershed.

WR4. The applicant has agreed to install a denitrifying septic system within three years of

the Commission decision if a connection to town sewer cannot be completed in that timeframe. The applicant has agreed to provide the Commission with a copy of their application to make connection to town sewer, and to update the Commission regarding the likelihood of a sewer connection in September 1998, September 1999, and March 2000. A suitable location has been identified for the denitrifying system.

WR5. The proposed stormwater system will combine stormwater from the roof and front parking areas and discharge it into leaching trenches with an overflow into a detention area along Route 28. The system is designed to accommodate a 25-year storm with use of the overflow area during 100-year storm events. Hooded sump catch basins are proposed prior to discharge to the trenches to collect first flush contaminants. Inspection of the sumps will occur twice a year. The new stormwater system, as shown on the Grading and Drainage Plan, Sheet C-4, dated September 11, 1997, and Details, Sheet C-9, dated April 14, 1997, will improve the quality of water recharged to the aquifer compared to the current system.

Transportation:

TR1. The total amount of traffic generated by the project is estimated to be 5,940 weekday daily trips (686 in the PM peak hour). Based on trip generation calculations, additional traffic will not be generated by this redevelopment proposal. Therefore, no traffic impacts are expected from the proposed redevelopment.

TR2. The Regional Policy Plan discourages additional curb cuts along roadways, especially congested roads such as Route 28. The applicant has proposed additional access to the site through a right-turn-in-only curb cut on Route 28, as shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997. This access will provide perimeter access for truck traffic and separate them from the interior of the site, it will remove traffic from the main site drive, and it will provide for slightly better traffic flow along Route 28.

TR3. The applicant has proposed a number of measures to reduce employee traffic. These include bike racks, a carpooling program and direct deposit. These measures are consistent with the Commission's efforts to decrease dependence on private automobiles. The applicant has also proposed to maintain pedestrian facilities connecting the site to residential areas to the north, and has proposed a new pedestrian path and crosswalk connecting to the south of the site. The proposed pedestrian paths connect to pedestrian walkways in front of the stores and are shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997.

TR4. The applicant has agreed to provide traffic calming in the form of signage and striping in the parking area to address concerns regarding safe site circulation as shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997.

Community Character:

CC1. Minimum Performance Standard 6.2.4 states that redevelopment of existing strip development shall provide adequate buffers between parking areas and the street, significant improvement to interior parking lot landscaping, as well as facade improvements and frontage buildings, as necessary, to improve the visual character of the

site. Local zoning regulations prohibit structures in the Public Use District, so no frontage buildings can be incorporated in this project.

CC2. The applicant has proposed a new building facade for Stop & Shop, shown on Proposed Supermarket Exterior Elevations, Sheet A-1, dated January 31, 1997, revised April 2, 1997, which incorporates traditional materials with use of wood clapboards and trim, brick sills, and gabled roof elements. The elevation also incorporates several large detailed glass areas which help to break up the large building mass. The facade of the retail building, shown on Proposed Retail Store Exterior Elevations, Sheet A-2, dated January 31, 1997, revised April 2, 1997, includes similar design elements, with wood clapboards on gable roof details, and a wood sign band, making the building more consistent with the Commission's Design Guidelines.

CC3. The applicant has improved landscaping on the site through the provision of a 10-foot wide landscaped island in the center of the parking lot, increased landscaping at the corner near the intersection of Route 28 and Jones Road, and additional landscaping to the left of the main site entrance, as shown on the Landscape Plan, Sheet C-6, dated September 11, 1997. The inclusion of a landscaped area on a portion of the adjacent 19,000 square foot parcel provides some buffering for the project, and enhanced plantings of various heights in the parking lot islands will improve the visual character of the site. The applicant has proposed an irrigation system incorporating drip irrigation and spray heads to maintain landscaped areas.

CC4. Additional landscaping shall be provided to abutters, including a five-foot wide low planting area on the VFW property adjacent to the site. To the rear of the plaza, a woven wire fence will be provided below the existing fence to trap trash on the site, the area between the two existing fences will be closed off with two locked gates to limit access, and railroad ties and bark mulch will be installed to stabilize the bank behind the loading area. In addition to specific treatments for certain abutters, general clean-up, leveling and loaming and seeding of the entire area between the two fences at the rear of the site will improve the buffer for all abutters.

CC5. Abutters have raised concerns regarding noise generated on this site. The applicant has proposed enclosed loading docks at Stop & Shop to limit noise and visual impacts. Expansion of the Stop & Shop building will include more storage space and thus reduce the need for trailers on site for storage. The applicant has agreed to limit the use of standing refrigeration trucks for storage to six weeks during the year: two weeks before Thanksgiving and Christmas; one week after Thanksgiving and Christmas. This would eliminate the presence of 24-hour compressors running throughout the warmer weather when windows are open and the noise is most bothersome.

CC6. The applicant has agreed to regular trash clean-up, pruning, mowing, and maintenance of landscaped areas in the site maintenance contract, including the area adjacent to the VFW site.

CC7. The proposed lighting fixtures are consistent with Commission guidelines regarding

height and design. Site lighting will be provided by 20-foot high pole lamps as shown on the Site Lighting Plan, Sheet SE-1, prepared by VHB, dated April 14, 1997. The applicant has agreed to revise the point to point print-out to reduce maintained footcandle levels at the property line to below 0.5 footcandles and also has agreed to meet the Commission's lighting standard of 8.0 footcandles or less throughout the site.

CC8. To comply with Minimum Performance Standard 6.2.8 which prohibits the use of internally lit signs, the applicant proposes to replace the two existing internally illuminated pylon signs with externally illuminated pylon signs. The applicant proposes to replace the existing internally illuminated Stop & Shop wall sign with a halo-lit sign. The two existing tenant wall signs will be replaced with externally illuminated signs by the expiration of their leases on March 31, 2001 (Retail A) and January 31, 2008, (Retail B). The Commission finds that, due to the existence of current lease agreements, that the applicant cannot comply with Minimum Performance Standard 6.2.8 with respect to the two tenant signs at this time.

CC9. The Massachusetts Historical Commission reviewed the project and found on February 6, 1997 that it is unlikely to affect significant historic or archaeological resources.

Natural Resources/Open Space:

NR1. The existing shopping center site has 17 percent open space, provided in planted parking islands and narrow strips of green space along the site boundaries. To comply with Regional Policy Plan Minimum Performance Standard 2.5.1.4, which requires that the existing percentage of open space on redevelopment sites be maintained, the proposed redevelopment will provide 18 percent open space. The applicant has agreed to permanently restrict the open space.

NR2. The project site does not include any Significant Natural Resource Areas as identified by the Regional Policy Plan.

Solid and Hazardous Waste:

SHW1. The site is not located within a Zone 2. The applicant's intended use of a containment system to provide free-standing secondary containment for motor oils, tire cleaners, carburetor cleaners, windshield wash and antifreeze held as inventory is a sound business practice. The applicant has also indicated that they will maintain an on-site spill kit in an emergency response locker.

SHW2. Falmouth Stop & Shop will include an oil take-back program and is likely to generate a limited amount of used oil. The applicant has agreed to conform with the Massachusetts Hazardous Waste Regulations as required by Minimum Performance Standard 4.2.2.2. There should also be coordination with the Falmouth Health Department to insure compliance with the Falmouth hazardous materials by-law.

SHW3. A pre-demolition survey of asbestos-containing materials was conducted on the site. The applicant has agreed to retain a licensed, qualified firm to do the asbestos removal according to both the DEP's and the Division of Labor and Industry's requirements. In

addition, lead-based paint coated building materials should be separated from other building debris and disposed of in a lined landfill or tested to determine whether they should be classified as hazardous waste and disposed of according to test results. Fluorescent lamps and PCB-containing items such as lamp ballasts should be disposed of according to current DEP guidance for these materials.

SW4. To comply with the Regional Policy Plan Standard 4.2.1.3 which requires construction and demolition debris from redevelopment to be disposed of in accordance with the integrated solid waste management system, the applicant should work with Commission staff to investigate the recycling of demolition materials to conserve landfill space.

SW5. The applicant has agreed to operate a cardboard recycling program at the store, and to accept used plastic and paper grocery bags from customers for bagging their orders.

CONDITIONS

Based on the findings above, the Cape Cod Commission hereby concludes that the benefits of the proposed project outweigh the detriments. This conclusion is supported by the findings that the project will reduce nitrogen loading from the site; that it will improve the quality of stormwater recharged from the site; and that it will improve community character through new building facades, increased landscaping, new site lighting and some new signage, consistent with the Commission's Design Guidelines.

The Commission has reviewed the project against the Minimum Performance Standards in the Regional Policy Plan and has determined that the project, as conditioned, will comply with all Regional Policy Plan Minimum Performance Standards. The project requires special permits from the Board of Appeals regarding parking requirements and a site plan approval from the Planning Board.

The Commission hereby approves the proposed Falmouth Stop & Shop/Teaticket Plaza Redevelopment, subject to the following conditions:

General:

G1. The site shall be developed consistent with the Layout and Materials Plan, Sheet C-3, dated September 11, 1997, the Site Lighting Plan, Sheet SE-1, dated April 14, 1997, and the Landscape Plan, Sheet C-6, dated September 11, 1997. The building shall be constructed consistent with the Proposed Supermarket and Retail Store Exterior Elevations, Sheets A-1 and A-2, dated January 31, 1997, revised April 2, 1997. All pylon signage and Stop and Shop wall signage shall be externally illuminated. All tenant wall signage shall be externally illuminated by the expiration date of existing lease agreements.

G2. Prior to receiving a permanent or temporary Certificate of Occupancy for the new construction portion of the Stop and Shop building, the applicant shall obtain a Certificate of Compliance from the Cape Cod Commission. Unless otherwise stated, all conditions of this decision shall be met prior to issuance of a Certificate of Compliance.

Water Resources:

WR1. The applicant shall seek to obtain approval and complete a connection to town sewer within three years of the Commission decision. The applicant shall provide the Commission with a copy of their application to make connection to town sewer, and shall provide updates to the Commission regarding the likelihood of a sewer connection in September 1998, September 1999, and March 2000. This condition is not tied to the Certificate of Compliance.

WR2. The applicant shall install a denitrifying septic system to serve the site within three years of the Commission decision if a connection to town sewer cannot be completed in that timeframe. This condition is not tied to the Certificate of Compliance.

WR3. The applicant shall establish an irrevocable letter of credit acceptable to Commission counsel to cover the cost of purchase and installation of the denitrifying septic system. The term of said letter of credit shall be three and one half years, and presentation of a certificate of the Commission Clerk, certifying a vote of the Commission to release funds, shall be conclusive evidence on which the bank can rely to release funds. The applicant shall also grant the Commission or its designee access to the site to install the system if the applicant does not complete the work within the timeframe specified in the decision or otherwise agreed to by the Commission.

WR4. The applicant shall install a stormwater system with hooded sumps as shown on the Grading and Drainage Plan, Sheet C-4, dated September 11, 1997, and Details, Sheet C-9, dated April 14, 1997. The sumps shall be inspected twice a year.

Transportation:

TR1. The applicant shall construct main site access and the right-turn-in-only site access off Route 28 as shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997.

TR2. The applicant shall provide bicycle racks, a carpooling program and direct deposit option for employees to decrease dependence on private automobiles. The applicant shall construct and maintain pedestrian paths and crosswalks connecting the site to residential areas to the north and south of the site as shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997.

TR3. The applicant shall provide traffic calming in the form of signage and striping in the parking area to address concerns regarding safe site circulation as shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997.

Community Character:

CC1. The applicant shall construct the new building facades as shown on the Proposed Supermarket and Retail Store Exterior Elevations, Sheets A-1 and A-2, dated January 31, 1997, revised April 2, 1997.

CC2. The applicant shall install the landscaping as agreed to on the Landscape Plan, Sheet C-6, dated September 11, 1997, including a 10-foot wide planted island in the parking area and

landscape improvements to improve buffers to abutters. Improvements shall include a five-foot wide low planting area on the VFW property adjacent to the site; a woven wire fence below the existing fence to the rear of the site; two locked gates to limit access to the area between the two existing fences to the rear of the site; railroad ties and bark mulch to stabilize the bank behind the loading area of the site; and general clean-up, leveling and loaming and seeding of the entire area between the two fences at the rear of the site.

CC3. The applicant shall install an irrigation system incorporating drip irrigation and spray heads to maintain the landscaped areas. The applicant shall provide a copy of a fully executed site maintenance contract to include regular trash clean-up, pruning, mowing, and maintenance of landscaped areas, including the site adjacent to the VFW, in a site maintenance contract.

CC4. The applicant shall enclose loading docks at the Stop & Shop and shall limit the use of standing refrigeration trucks for storage to six weeks during the year to limit noise generated on the site. Use of refrigeration trucks for storage shall be limited to the following dates: two weeks before Thanksgiving and Christmas, and one week after Thanksgiving and Christmas.

CC5. The applicant shall provide new site lighting as shown on the Site Lighting Plan, Sheet SE-1, dated April 14, 1997. Lighting generated on site shall meet Commission Technical Bulletin guidelines and shall not exceed 0.5 footcandles at the property line and shall not exceed 8.0 footcandles at any location on the site.

CC6. The applicant shall remove internally illuminated pylon signs and shall remove internally illuminated wall signs on the Stop and Shop building. The applicant shall install two new pylon signs which are externally illuminated and shall install halo-lit or other externally illuminated signage on the Stop & Shop building. By the end of their existing leases, on March 31, 2001 (Retail A) and January 31, 2008 (Retail B), the remaining tenants on the site shall remove their internally illuminated wall signage and replace them with externally illuminated signs.

Natural Resources/Open Space:

NR1. Prior to any development on the site, the applicant shall provide the Cape Cod Commission with a deed restriction to be approved by Commission counsel which provides that the 18% open space shown on the Layout and Materials Plan, Sheet C-3, dated September 11, 1997, shall remain as permanent open space. The restriction, shall be recorded at the Registry/Land Court by the applicant prior to issuance of a Certificate of Compliance from the Commission.

Solid and Hazardous Waste:

SHW1. The applicant shall provide a containment system as shown in materials submitted to the Commission on July 23, 1997 to provide free-standing secondary containment for motor oils, tire cleaners, carburetor cleaners, windshield wash and antifreeze held as inventory. The applicant shall maintain an on-site spill kit in an emergency response locker.

SHW2. The applicant shall conform with the Massachusetts Hazardous Waste Regulations and shall coordinate with the Falmouth Health Department in insure compliance with the Falmouth local hazardous materials by-law.

SHW3. The applicant shall retain a licensed, qualified firm to do the asbestos removal according to both DEP's and the Division of Labor and Industry's requirements. Lead-based paint coated building materials shall be separated from other building debris and disposed of in a lined landfill or tested to determine whether they should be classified as hazardous waste and disposed of according to test results. Florescent lamps and PCB-containing items such as lamp ballasts shall be disposed of according to current DEP guidance for these materials.

SHW4. The applicant shall operate a cardboard recycling program at the store, and shall accept used plastic and paper grocery bags from customers for bagging their orders.

The Commission hereby grants Falmouth Stop and Shop/Teaticket Plaza Redevelopment a DRI Approval with Conditions.

Madeleine Bebout
Madeleine Bebout, Chair

9/18/97
Date

Commonwealth of Massachusetts
Barnstable, ss.

Subscribed and sworn to before me this 18th day of Sept 1997

Katharine X Peters
Name, Notary Public

My commission expires:

My Commission Expires December 5, 1997



VHB
 Vanasse Hangen Brustlin, Inc.
 Transportation
 Land Development
 Environmental Services
 101 Walnut Street, P.O. Box 2751
 Boston, MA 02111
 617-261-1779 • FAX 617-261-2266



DATE	9/18/97
BY	CAPE COD COMMISSION
PROJECT	Super Stop & Shop
ADDRESS	Route 28 & Jones Road
CITY/TOWN	Falmouth, Massachusetts
APPROVAL	Approval

Super Stop & Shop
 Route 28 & Jones Road
 Falmouth, Massachusetts
 Approval

Layout & Materials Plan



C-3
 3 13
 SCALE

PARKING SUMMARY

USE	AREA	AS REQUIRED	AS PROVIDED	EXISTING
SHOP & SHOP	73,890 SF	1 SP/42,250 S.T.O	296	470
RETAIL A	23,879 SF	95		
RETAIL B	10,668 SF	41		
TOTAL	107,435 SF	432		

GLEASALE FLOOR AREA
 OF EXISTING GROSS FLOOR AREA, 103,952 SF

BUILDING SUMMARY

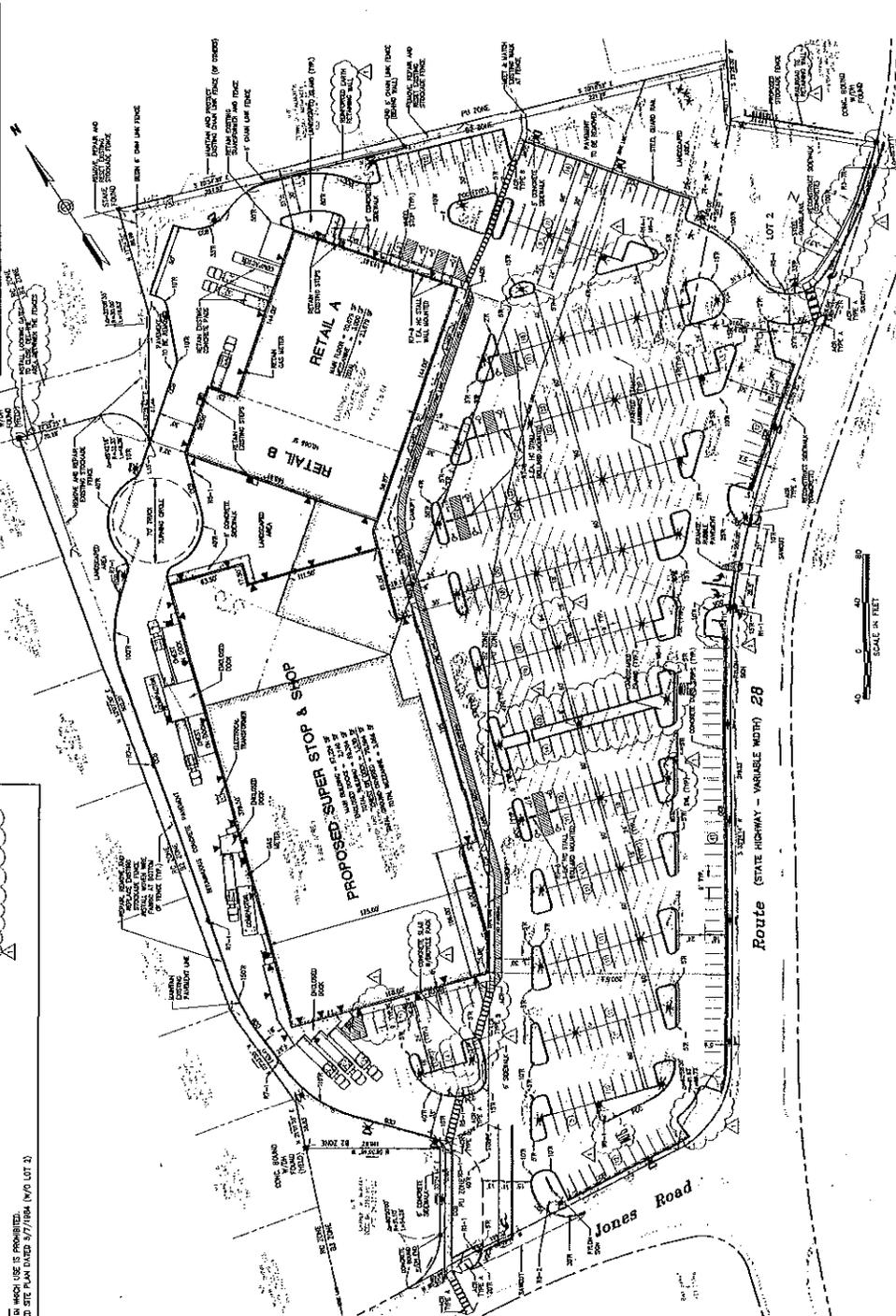
SHOP & SHOP	RETAIL A	RETAIL B	TOTALS
EXISTING GROSS FLOOR AREA*	73,890	23,879	97,769
PROPOSED GROSS FLOOR AREA	23,879	10,668	34,547
TOTALS	97,769	34,547	132,316

* INCLUDING ENCLOSED DOORS AND CHESTS ON DOORS

ZONING SUMMARY

USE - RETAIL BUSINESS 2 & PUBLIC USE DISTRICTS	AS REQUIRED	EXISTING
MINIMUM LOT AREA (SQ. FT.) (SEE NOTE)	40,000	40,000
FRONTAGE (FT.) (SEE NOTE)	200	200
MINIMUM FRONT SETBACK (FT.)	35	35
MINIMUM SIDE SETBACK (FT.)	25	25
MINIMUM REAR SETBACK (FT.)	25	25
MINIMUM HEIGHT IN STORES	35'	35'
MINIMUM HEIGHT IN SIGN	35'	35'
MINIMUM LOT COVERAGE - STRUCTURES (MAXIMUM)	70%	70%
MINIMUM LOT COVERAGE - STRUCTURES (MINIMUM)	25%	25%

* 25' FROM DISTRICT IN WHICH USE IS PROHIBITED.
 ** BASED ON AMENDED SITE PLAN DATED 9/7/1994 (NO LOT 2)



FINAL PLAN
 APPROVED
 BY THE CAPE COD COMMISSION
 DATE: 9/18/97

SCALE IN FEET
 0 20 40 80



Vermont Engineering Branch, Inc.
 Transportation
 Environmental Services
 100 William Street, P.O. Box 5141
 Worcester, Massachusetts 02272
 877.994.1770 • FAX: 508.857.2286

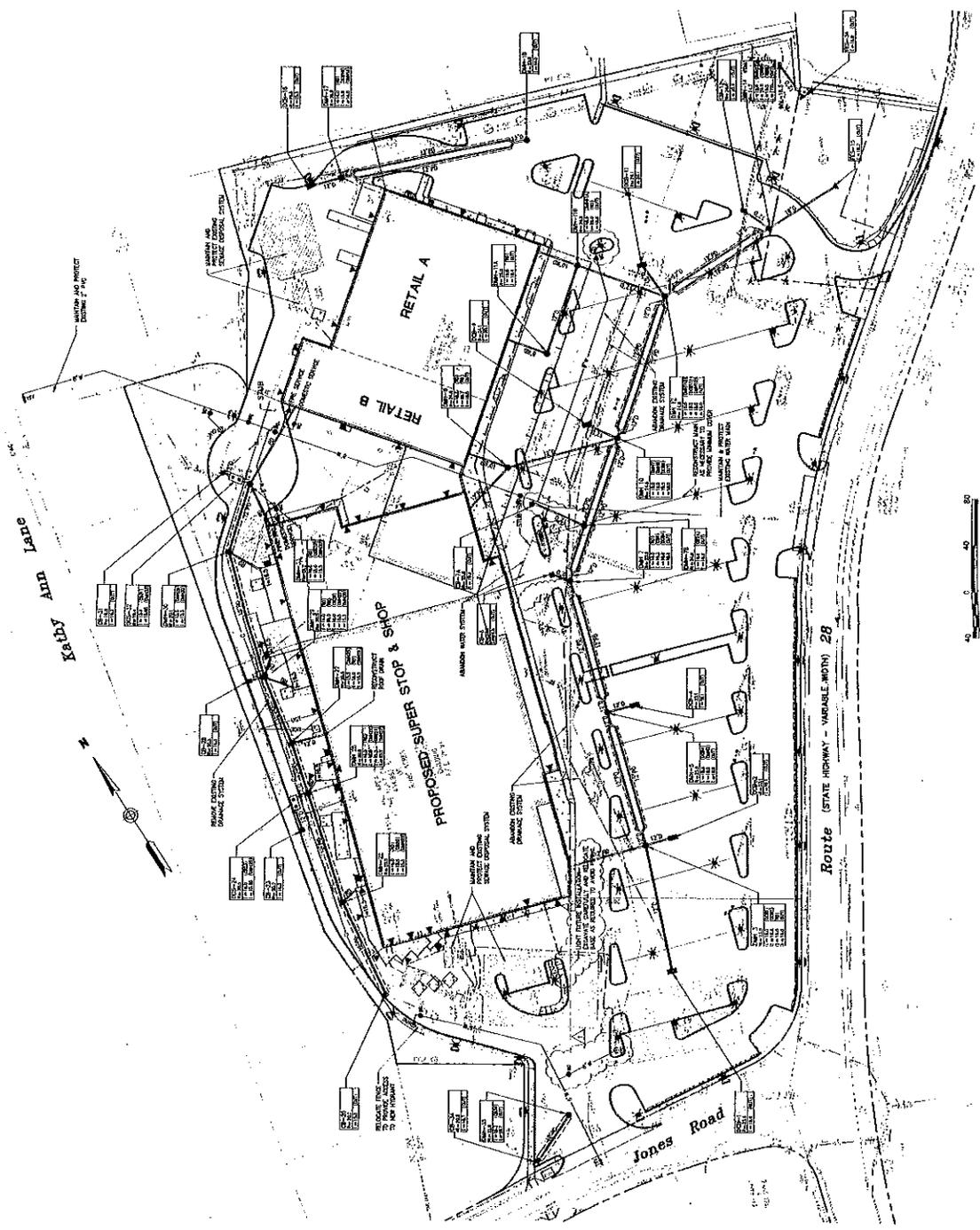


1	DATE SUBMITTED	1/11/97
2	DATE APPROVED	1/11/97
3	DATE OF LAST REVISION	1/11/97
4	REVISION	
5	REVISION	
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20	REVISION	

Super Stop & Shop
 Route 28 & Jones Road
 Falmouth, Massachusetts
 Approvals

Utilities
 Plan

C-5
 SCALE 1" = 10'
 SHEET NO. 0000





Yonasse Hengen Braustin, Inc.
 Landscape
 Land Development
 Environmental Services
 107 Adams Street, P.O. Box 9151
 Worcester, Massachusetts 01609
 Tel: 508-779-1144 Fax: 508-779-2222



DATE	9/11/97
PROJECT	Super Stop & Shop
LOCATION	Route 28 & Jones Road
DRAWN BY	[Signature]
CHECKED BY	[Signature]
DATE	9/11/97

Super Stop & Shop
Route 28 & Jones Road
 Falmouth, Massachusetts
 Approvals

Landscaping Plan

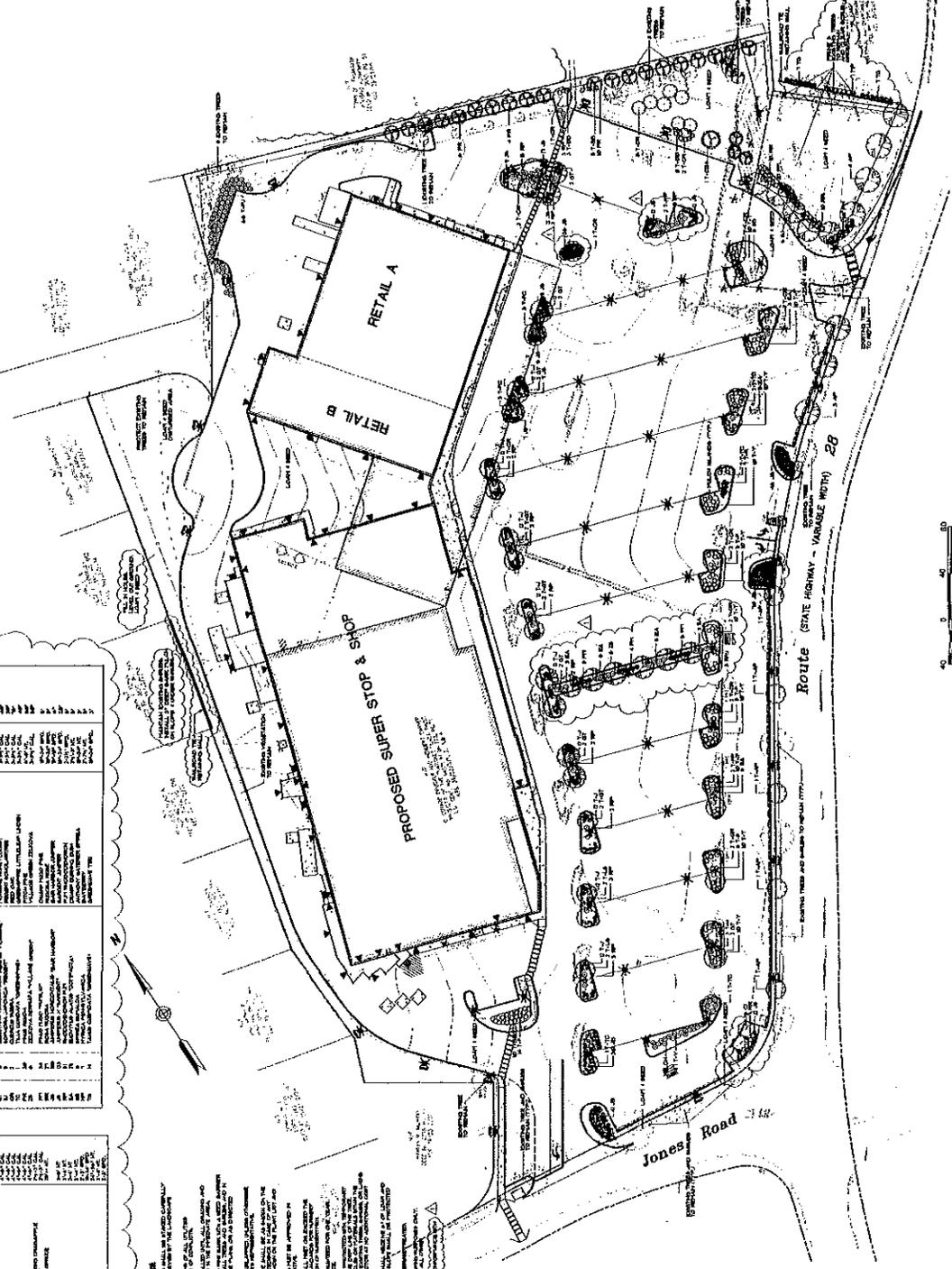
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LANDSCAPING NOTES:

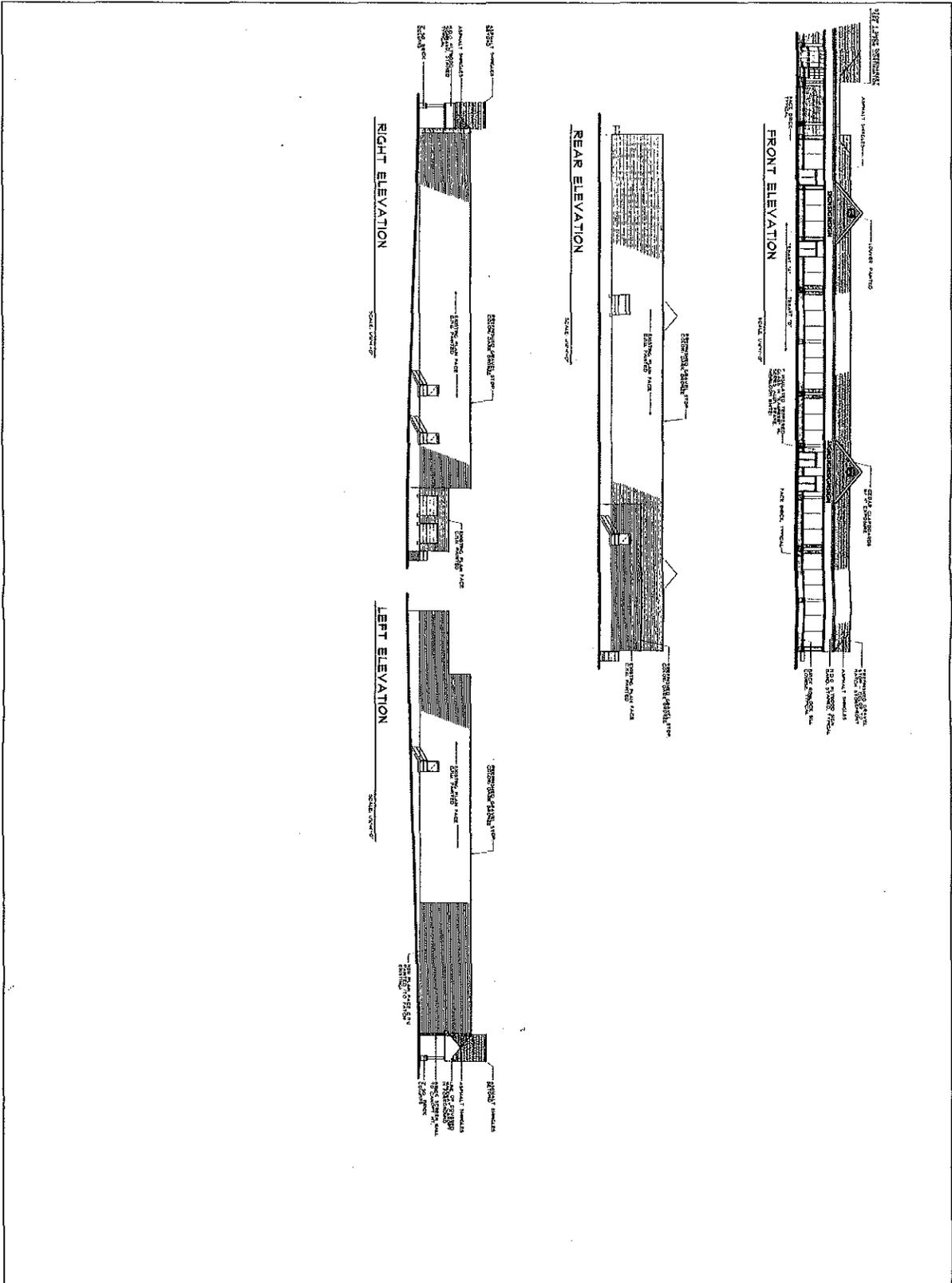
1. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPING PLAN.
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10. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPING PLAN.





<p>DATE: 4/21/91</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO. 06.26</p> <p>CLIENT: SUPER STOP SHOP</p> <p>ARCHITECT: LANDRY DESIGN GROUP</p> <p>1035 MAIN STREET WILMINGTON, MA 01897 TEL: 603/532-8844 FAX: 603/532-8248</p>	<p>PROJECT NAME</p> <p>ADDITION AND RENOVATIONS TO: STORE NO. 425 TEATICKET HIGHWAY (ROUTE 28) FALMOUTH, MA</p>	<p>PROPOSED SUPERMARKET EXTERIOR ELEVATIONS</p>	<p>LANDRY DESIGN GROUP</p> <p>ARCHITECTURE, PLANNING & INTERIOR SPACE DESIGN</p>
	<p>STOP SHOP</p>	<p>DATE: 4/21/91</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO. 06.26</p> <p>CLIENT: SUPER STOP SHOP</p> <p>ARCHITECT: LANDRY DESIGN GROUP</p> <p>1035 MAIN STREET WILMINGTON, MA 01897 TEL: 603/532-8844 FAX: 603/532-8248</p>	

A-1



<p>A-2</p>	<p>STOP SHOP</p>	<p>ADDITION AND RENOVATIONS TO: EXISTING RETAIL STORE TEATICKET HIGHWAY (ROUTE 28) FALMOUTH, MA</p>	<p>PROPOSED RETAIL STORE EXTERIOR ELEVATIONS</p>	<p>LANDRY DESIGN GROUP ARCHITECTURE, PLANNING & INTERIOR SPACE DESIGN</p>	<p>315 MAIN STREET SUITE 100 SALEM, MA 01970 TEL: 978.880.4300 FAX: 978.880.4304 E-MAIL: SALES@LDG.COM</p>
	<p>PROJECT NAME: ADDITION AND RENOVATIONS TO EXISTING RETAIL STORE DATE: 6/1/10 DRAWN BY: J. BROWN CHECKED BY: J. BROWN SCALE: AS SHOWN SHEET NO: A-2 TOTAL SHEETS: 2</p>				