



CAPE COD COMMISSION

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DATE: September 22, 1998
TO: Cape Cod Mall Nominee Trust c/o New England Development
FROM: Cape Cod Commission
RE: Modification of Development of Regional Impact Decision dated January 29, 1998
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Cape Cod Mall Nominee Trust c/o New England Development
One Wells Avenue
Newton, MA 02159

PROJECT: Cape Cod Mall Renovation and Expansion

PROJECT #: TR96025

BOOK/PAGE: Book 1357/Page 1143
Book 1357/Page 1152
Book 7942/Page 272

LOT/PLAN:	Lot 10/Plan 18367-D	Cert. #73925	Lot --/Plan 35455-A	Cert. #44428
	Lot 18/Plan 29992-E	Cert. #73925	Lot 12/Plan 13216-I	Cert. #124185
	Lot 20/Plan 29992-E	Cert. #73925	Lot 13/Plan 13216-I	Cert. #124185
	Lot 21/Plan 29992-E	Cert. #73925	Lot 14/Plan 13216-I	Cert. #124185
	Lot 22/Plan 29992-E	Cert. #73925	Lot 11/Plan 13216-I	Cert. #124185
	Lot 26/Plan 29992-E	Cert. #73925	Lot 10/Plan 13216-I	Cert. #124185
	Lot 13/Plan 18367-D	Cert. #73503	Lot 12/Plan 29719-B	Cert. #78644
	Lot 16/Plan 29992-D	Cert. #41206	Lot 11/Plan 29719-B	Cert. #78644
	Lot 17/Plan 29992-D	Cert. #41206	Lot 19/Plan 29992-E	Cert. #108683
	Lot 23/Plan 29992-E	Cert. #73503	Lot 25/Plan 29992-E	Cert. #104912
	Lot 24/Plan 29992-E	Cert. #39492/41206	Lot 27/Plan 29992-E	Cert. #104912
	Lot 2/Plan 34491-B	Cert. #44869	Lot A-1/Plan 21173-B	Cert. #129187
	Lot 1/Plan 34491-B	Cert. #137708	Lot A-2/Plan 21173-B	Cert. #129187
	Lot 14/Plan 29992-D	Cert. #119830	Lot 94/Plan 17786-K	Cert. #76834
	Lot 15/Plan 29992-D	Cert. #119830		

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact decision dated January 29, 1998 for the Cape Cod Mall expansion is hereby amended by a vote of the Regulatory Committee on September 22, 1998. All conditions attached to the original decision dated January 29, 1998 continue to apply except as modified herein.

CONDITIONS

E.12. The applicant has secured a revocable license which provides the legal basis for the design, construction, use and maintenance of the interconnection between the Cape Cod Mall property and the adjacent Christmas Tree Shops plaza. In the event the license is revoked and/or, once established, the interconnect is not available for public use for more than fifteen (15) consecutive days in any calendar year, except unavailability occasioned by or attributable to maintenance of the interconnect or a force majeure, then the applicant, at its option, shall either place as a cash contribution equivalent for 698 daily trips, as determined by Cape Cod Commission staff, in an escrow fund which shall be in form and content satisfactory to Commission counsel, or provide an equivalent trip reduction measure(s) to meet the requirements of the Regional Policy Plan, as approved by Commission staff.

TRIP REDUCTION/TRAFFIC MITIGATION SCHEDULE
Cape Cod Mall - Revised September 22, 1998

1. Prior to issuance of a Certificate of Compliance which increases net square feet of gross leasable area (sf gla), including all retail outparcels, above the No-Build scenario, the following work shall be functionally completed. Functionally completed shall be defined as work in place and operational to the public as conceptually defined in the FEIR/DRI:

- a. Route 28 at site driveway (traffic control installation/geometric changes)
- b. Enterprise Road Extension (construct new road)
- c. Enterprise Road Extension at Route 132 and Independence Drive (traffic control modifications/geometric changes)
- d. Enterprise Road Extension at Cape Cod Mall driveway (construct new intersection)

2. Prior to issuance of a Certificate of Compliance which increases net sf gla by 50,000 sf gla above the No-Build scenario, the following work shall be functionally completed:

- a. Route 28 at Corporation Street (left-turn prohibitions)

3. Prior to issuance of a Certificate of Compliance which either adds the Filenes expansion or increases net sf gla by 150,000 sf gla above the No-Build scenario, the following work shall be functionally completed:

- a. Route 132, Cape Cod Mall, and Cape Town Plaza driveway (traffic control modification/geometric changes)

4. Prior to issuance of a Certificate of Compliance which increases net sf gla by 150,000 sf gla above the No-Build scenario, the following work shall be functionally completed:

- a. Route 28 at Bearses Way (traffic control modification/geometric changes)
- b. Bearses Way at Enterprise Road (traffic control installation, initial signal equipment placement)

5. Prior to issuance of a final Certificate of Compliance for the completed project, the following work shall be functionally completed:

- a. Route 132 at east site drive (geometric changes)
- b. Route 132 at west site drive (geometric changes)
- c. Corporation Street at site drive (geometric modifications)
- d. Route 132 sidewalk between the Enterprise Road Extension and the east site driveway
- e. Route 132 signal coordination timing revision (five locations)
- f. Route 132 at Route 6 eastbound off-ramp (geometric changes)
- g. Route 132 at Shoot Flying Hill Road (geometric changes)
- h. Route 132 at Phinneys Lane (traffic control modification/geometric changes)
- i. Route 28 between Bearses Way and site drive
- j. Route 28 signal interconnection (between site drive and Bearses Way)

6. Prior to issuance of a final Certificate of Compliance for the completed project and after demolition of Village Square, the interconnection with the Christmas Tree Shops shall be functionally completed.

7. If traffic signal control is installed at the Cape Cod Mall access with Route 28, then the two

existing driveways with Route 28 serving the Mall Liquors Store and the existing driveway with Route 28 serving the Village Square shall be closed concurrent with the operation of the traffic signal unless the applicant can demonstrate to the satisfaction of Commission staff that an unsafe condition will not result from the driveway(s) remaining open or other alternatives constructed, in which case these driveways shall be closed or modified by other alternatives upon demolition of such building(s). If no traffic signal control is installed at the Cape Cod Mall access with Route 28, then timing of closure or other alternative modification of these driveways, if required after review with the applicant, shall be determined by Cape Cod Commission staff.

8. The applicant shall make any necessary final signal equipment placement at Bearses Way and Enterprise Road upon implementation of the Town of Barnstable's widening of Bearses Way.

9. Sidewalk/pedestrian traffic control measures shall be incorporated with the applicable roadway geometric and traffic signal work, unless otherwise noted.

10. Transportation Demand Management/Trip Reduction measures shall be provided according to the following schedule:

- a. Ridesharing Program (prior to issuance of a Certificate of Compliance which increases net sf gla by 125,000 sf gla above the No-Build scenario)
- b. Employee Work Schedules (continuing for current/new tenants)
- c. Truck Delivery Locations/Times (continuing for current/new tenants)
- d. Alternative Transportation (physical measures implemented with phased Mall construction of kiosk areas, other measures-e.g. Mall Pass Book program by Transportation Coordinator)
- e. Bus Services Area/Shelter (implemented with phased Mall renovation)
- f. Christmas Tree Shops Cross Access Driveway directional signage (upon construction of interconnection with the Christmas Tree Shops)
- g. Shuttle Bus System ways of support (as discussed with Town)
- h. Bicycle storage facilities (installed with phased Mall renovation)

Herb Olsen
Herb Olsen, Chair

9/24/98
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 24th day of Sept 1998

Katharine L Peters
Name, Notary Public

My Commission expires:

