



CAPE COD COMMISSION

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Date: November 1, 1999

Re: Development of Regional Impact Change of Use Determination
Cape Cod Commission Act, Section 23

Applicant: Sailfish Limited Partnership

Project: Change of Use Application
For 621 Iyannough Road
Hyannis, MA 02601

Project Number: CU99022

Lot/Plan: Lot 238, Plan 3
Book: 10473 Page: 322 Book: 10740 Page: 012

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby determines that the Development of Regional Impact (DRI) Change of Use Determination for the project known as 621 Iyannough Road, Hyannis, qualifies for Section 3(f)(1) and (2) thresholds under the criteria established under Section 4/(b)(1) and may proceed without Development of Regional Impact review.

PROJECT DESCRIPTION

The site is located on Route 132, north of Nightingale Lane and the Rt. 28 Airport Rotary, in Hyannis. The applicant proposes to demolish six existing buildings, including a former motel and remove existing site amenities, and replace them with a single 20,014 square foot building to be used for the retail sale of arts, crafts, and floral supplies. The proposed single story structure is approximately 7,000 square feet larger than the combined footprints of the existing buildings.

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JURISDICTION

Section 3(f)(1) & (2) of the Cape Cod Commission DRI Enabling Regulations sets forth thresholds governing Development of Regional Impact review of existing commercial, service, retail or wholesale buildings, office or industrial buildings, as well as any private health, recreational or educational buildings that propose a change of use, or demolition and replacement resulting in a change of use.

Section 4(b)(2) authorizes the Cape Cod Commission Regulatory Committee to review proposed change of use projects under this threshold to determine if the overall impacts of the proposed use are more or less detrimental than those of the immediate prior use. If the impacts of the proposed use is equal to or less detrimental than the prior use, the committee may determine that DRI review is not required.

PROJECT CHRONOLOGY

On June 22, 1999, application materials were received from Sailfish Limited Partnership, represented by Mr. Meyer Singer, Esq., for a Change of Use Determination by the Regulatory Committee.

On July 29, 1999, a public hearing was held at which the applicant represented by Meyer Singer presented the proposed redevelopment project and related change of use application. Cape Cod Commission (CCC) staff presented the Staff Report. The Regulatory Committee requested more information on the project, particularly related to traffic.

On August 9, 1999, a public hearing was held at which the applicant presented additional traffic impact-related information. The Regulatory Committee requested a meeting between CCC staff and Town of Barnstable staff to determine the town's concerns related to the proposed project.

On October 7, 1999, the Regulatory Committee voted that the impacts of the proposed uses on the resources protected by the Regional Policy Plan are not more detrimental than those of the immediate prior uses and that the project therefore did not require Development of Regional Impact Review under the Change of Use Threshold.

MATERIALS SUBMITTED FOR THE RECORD

- Received June 22, 1999: application materials from Atty. Meyer Singer representing Sailfish Limited Partnership. Application materials included: Change of Use Application Form, 11' x 17" and 24"x36" site plans, and a traffic impact study.
- Received July 7, 1999: Letter from Atty. Meyer Singer in response to 7/1/99 letter from Project Planner, Ken Kirkey requesting verification of the date of abandonment of motel facility on the project site.
- Received July 27, 1999: July 24, 1998 Letter from Mr. David Banner owner of the Budget Host Inn, Route 132, Hyannis supporting the change of use application.
- Received September 1, 1999: August 31, 1999 copy of from Mr. Thomas Mullen, Director of Barnstable DPW to Hugh Beckett regarding discussion and concerns of town staff related to proposed project from an August 24, 1999 meeting between Town of Barnstable engineering and planning staff and CCC staff.
- Received September 2, 1999: August 30, 1999 letter from Mr. Ralph Crossen, Building Commissioner stating that Town of Barnstable staff can adequately review the proposed project and that CCC regulatory review was not necessary.
- Received October 6, 1999: October 5, 1999 letter from Mr. James Tinsley, Town Manager stating that Town of Barnstable is capable of adequately reviewing the project without CCC review.

The notice of the Regulatory Committee meeting relative thereto, the Commission's staff reports, and exhibits, minutes of the Regulatory Committee and all submissions received in the course of the proceedings are incorporated into the record by reference.

TESTIMONY

On July 29, 1999, a public hearing was held. The applicant's representative, Atty. Meyer Singer presented the proposed redevelopment project and related change of use application. Cape Cod Commission (CCC) staff presented the Staff Report. The Regulatory Committee requested that the applicant provide additional information on the project, particularly related to traffic and

directed staff to further review materials to be submitted by the applicant related to transportation issues.

On August 9, 1999, a public hearing was held. The Regulatory Committee requested a meeting between CCC staff and Town of Barnstable staff to determine the town's concerns related to the proposed project.

On October 7, 1999 a continued hearing was held. Planner Ken Kirkey provided an overview of the Staff Report and stated that staff recommended that the project be reviewed as a DRI due to significant traffic and community character issues. Attorney Myer Singer stated that the project met the change of use criteria.

Mr. Brock made a motion that based on the Town of Barnstable's indication that local review can adequately address issues associated with the project, the project qualifies for Section 3(f) thresholds and may proceed without DRI review. Ms. Bloomingdale seconded the motion. The vote was five in favor and three opposed (Mr. Broidrick, Mr. Deane and Ms. Taylor) to the motion.

FINDINGS

The Commission's Regulatory Committee has considered the application Sailfish Limited Partnership for a Change of Use Determination under Section 3(f)(1) and (2) of the DRI Enabling Regulations for the purpose of making a determination about whether the project requires DRI review. The Committee makes the following findings:

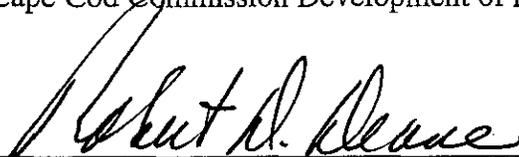
1. The proposal includes demolishing the existing buildings and replacing them with a single 20,014 square foot building. The proposed single story structure is approximately 7,000 square feet larger than the combined footprints of the six existing buildings.
2. The existing abandoned buildings on the site are in poor condition. The project will redevelop an existing commercial site in a major retail activity center.
3. The pre-Title V septic system currently existing on the site will be abandoned and the proposed building will be connected to the municipal sewer system, which would improve groundwater quality.
4. The project will provide pedestrian and bicycle connections between the Property and the adjoining commercial property.

5. The project will increase transportation impacts on the regional roadway network. Town of Barnstable officials have stated that the Town Planning & Engineering Departments can adequately address traffic-related impacts of the project.

6. Site layout, site design and other community character-related issues are relevant to this project due to the size of the proposed building and highly visible site location. Town of Barnstable officials have stated the town's Site Plan Review process will adequately address Community Character-related aspects of the proposed project.

CONCLUSION

Based on the above findings, the Regulatory Committee concludes that the proposed use of the property will not have increased impacts on the resources protected by the Regional Policy Plan in relation to the existing uses on the site. Therefore, the proposed development will not require Cape Cod Commission Development of Regional Impact Review.



Robert D. Deane, Regulatory Committee Chairman

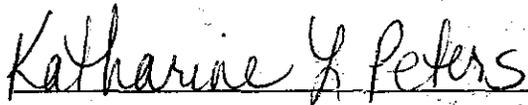
11-2-99

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 2nd day of Nov 1999



Name, Notary Public

My commission expires:

