



CAPE COD COMMISSION

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DATE: August 30, 1999
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
and modified on September 22, 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	Lot 49/Plan 17786-D	

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact decision dated January 29, 1998 for the Cape Cod Mall expansion and modified on September 22, 1998 is hereby amended by a vote of the Regulatory Committee on February 1, 1999 to incorporate Parcel 293-33 into the project site for additional parking for the Cape Cod Mall expansion as indicated on site plans for Phase 3 of the Cape Cod Mall-Hoyts Cinemas dated February 22, 1999. All conditions attached to the original decision dated January 29, 1998 and modification dated September 22, 1998 continue to apply except as



modified herein.

CONDITIONS

A.8. If any Traffic Reduction Measure required as part of a particular phase or the final phase including proposed demolition of existing buildings or Traffic Mitigation component is not completed in accordance with the conditions for that phase, no Certificate of Compliance shall thereafter be issued until such construction measure or component is completed as determined by Commission staff. The applicant hereby agrees that the Cape Cod Commission is under no obligation to issue a partial or final Certificate of Compliance due to the failure of the applicant to complete any Traffic Reduction Measure or Traffic Mitigation component as identified in this decision and the attached Trip Reduction/Traffic Mitigation Schedule. If any traffic mitigation measure is not functionally completed consistent with the Trip Reduction/Traffic Mitigation Schedule due to circumstances beyond the applicant's control, so long as the applicant demonstrates that the failure to complete such measure could not be avoided by the exercise of great diligence, the applicant may seek a modification to this decision pursuant to Section 7 of the Cape Cod Administrative Regulations, Modifications to Approved DRIs, dated 5/12/97 as amended. The applicant shall be required to demonstrate to the satisfaction of the Commission staff that an alternative trip reduction/traffic mitigation measure exists, permanent or temporary, and can be completed prior to issuance of a Certificate of Compliance for that phase of the project. The applicant shall be required to provide additional traffic mitigation acceptable to Commission staff to effect the traffic generated from any building proposed for demolition in a particular phase or the final approved site plan which is not demolished at the time the applicant seeks a final or partial (for a particular phase) Certificate of Compliance from the Commission. However, in the event the applicant has reduced its total expansion or the expansion proposed for any particular phase, as authorized hereunder, by the total square footage necessary to generate the traffic attributable to the use and square footage of the building(s) yet to be demolished, then no additional traffic mitigation shall be required. Nothing in this condition shall waive the applicant's rights to apply for a modification under Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 5/12/97.

Tom Broidrick
Tom Broidrick, Chair

9/21/99
Date

Commonwealth of Massachusetts

Barnstable, ss.
Subscribed and sworn to before me this 21st day of Sept 1999

Katharine L. Peters
Name, Notary Public

My Commission expires:

