



# CAPE COD COMMISSION

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DATE: October 7, 1999

TO: Excel Switching Corporation  
Hyannis, MA

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact Decision,  
Section 7(d)(ii), Cape Cod Commission Administrative  
Regulations 5/12/97

PROJECT: The "Excel Switching Corporation, Corporate Facilities Master  
Plan" Plan in Barnstable, Massachusetts, dated May 29, 1998.  
Project address: Perseverance Way, Barnstable.

BOOK/PAGE: Map 295; Parcels 8, 9, 10, 11, 12.

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## MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the June 18, 1998 DRI Decision issued for Excel Switching Corporation is hereby modified as a Minor Modification # 2 by the Regulatory Committee of the Cape Cod Commission on October 7, 1999, as follows:

1) **By deleting the phrase "dated May 18, 1998" on the 8<sup>th</sup> line from the top of the 6/18/98 Decision and replacing it with the phrase "dated May 29, 1998".**

2) **By deleting the date "May 18, 1998, as modified on May 21, 1998" from the Summary on Page 1 and replacing it with the date "May 29, 1998".**

3) **To add the following conditions to the General Conditions on Page 8:**

2). Prior to receiving a permanent or temporary Certificate of Occupancy for any phase of the proposed project, the applicant shall obtain a partial or final Certificate of Compliance from the Cape Cod Commission for such phase. A final Certificate of Compliance is required prior to applying for a Certificate of Occupancy for the Excel Master Plan. Application for a final Certificate of Compliance may be applied for prior to completion of project site work, however, any such application would be subject to the provisions of General Condition #4 of this decision. All conditions of this decision relating to a

particular phase shall be met prior to issuance of a partial or final Certificate of Compliance for such phase of the proposed project. No new building area within a phase shall be open for business until a partial Certificate of Compliance is issued by the Cape Cod Commission for such phase.

3). For each phase of the proposed project, the applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least 30 days prior to the anticipated date of occupancy. Commission staff shall complete an inspection under this condition within seven (7) business days of such notification and inform the applicant of any deficiencies and corrections needed. The applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless conditions are complied with or secured consistent with this decision.

4). If all required landscape improvements are not complete at the time a final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow fund under the escrow agreement shall equal 150% of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow funds shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds to the applicant. Escrow account funds may be released by the Commission in the form of partial disbursements as proof is provided that the work has been done as approved. This provision shall not include the restriction of open space, which shall occur before any partial Certificate of Compliance is issued.

  
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Robert Deane  
Chairman, Regulatory Committee

10-13-99  
\_\_\_\_\_  
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 13<sup>th</sup> day of October 1999

  
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Name, Notary Public

My commission expires:

