

CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

Date: January 21, 1999
Re: Development of Regional Impact Request
Cape Cod Commission Act
Applicant: Tedeschi Realty Corporation
14 Howard Street
Rockland, MA 02370
and
The Stop & Shop Supermarket Company
P.O. Box 1942
Boston, MA 02105

*Owners: Robert L. Tedeschi, Tr
Dominic R. Tedeschi, Tr
Sandwich Associates
Nominee Trust*

Project #: TR98036
Project: Sandwich Stop & Shop Plaza
Route 6A and Merchant's Road
Sandwich, MA

Lot/Plan: Lot 87/Parcel 1 Book 2438/page 198
Lot 87/Parcel 2 Land Court Title #69252
Lot 87/Parcel 3 Land Court Title #69363
Lot 87/Parcel 4 Book 10310/page 48

*Lot 97 Plan 13749-D
lots 122+123 Plan 13749-K*

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Tedeschi Realty Corporation and The Stop & Shop Supermarket Company for a Development of Regional Impact approval, pursuant to Sections 12 and 13 of the Cape Cod Commission Act, c. 716 of the acts of 1989, as amended, for the Sandwich Stop & Shop Plaza in Sandwich, Massachusetts. The decision is rendered pursuant to a vote of the Commission on January 21, 1999.



PROJECT DESCRIPTION

The project proposes to selectively demolish, reconfigure and expand the existing Stop & Shop Plaza located at the corner of Route 6A and Merchant's Road. The plaza currently includes a supermarket and secondary retail uses totaling 63,720 square feet. The total proposed building area of the plaza is 107,240 square feet, an increase of approximately 43,520 square feet, including the supermarket and secondary retail uses.

The existing Stop & Shop would increase in size from 31,280 s.f. to 77,578 s.f.; existing secondary retail space (14,500 s.f.) immediately adjacent to the supermarket would be eliminated by incorporation into the proposed supermarket building. The existing row of retail buildings parallel to Tupper Road would be expanded by 1,600 s.f. (from 13,540 s.f. to 15,140 s.f.). A new 10,125 s.f. retail building would be constructed. An existing bank building of 4,400 s.f. would be retained. These proposals would reduce the overall square footage of the secondary retail uses by approximately 2,800 s.f. to approximately 29,661 s.f. while increasing the size of the supermarket by about 46,300 square feet.

The existing retail complex is located on a 9.96 acre parcel of land. The applicant proposes to combine this developed parcel with an adjacent 12.57 acre property located to the west for a total project area of 22.57 acres. Both parcels are located within the Old Kings Highway Regional Historic District. The existing Roberti Dairy Farm is located on the western parcel, which consists of a series of abandoned open fields, pastures and buildings separated by treelines of natural vegetation (see the applicant's aerial photos). Most of the proposed project will be located on the already developed eastern portion of the site, with some expansion onto the western parcel. The applicant proposes to stabilize the remains of the dairy farm and place a conservation restriction on 12.6 acres that include the historic farm to maintain the area as permanent open space, or to donate it to the town of Sandwich or Sandwich Conservation Trust conservation or other qualified land trust for conservation and agricultural purposes.

PROCEDURAL HISTORY

The project was noticed in the Environmental Monitor on August 10, 1998. Members of the subcommittee attended a MEPA site visit on August 26, 1998. The Commission provided a comment letter to the Massachusetts Executive Office of Environmental Affairs on August 28, 1998. On September 9, 1998, MEPA issued a Certificate stating that the project did not require the preparation of an Environmental Impact Report.

The Commission received a mandatory project referral from the Sandwich Zoning Board of Appeals on August 13, 1998 under Section 3(e) of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact.

Duly noticed public hearings for the project were held on October 6, 1998 at Sandwich Town Hall, November 10, 1998 at the Sandwich Public Library and December 8, 1998 at the Sandwich Public Library. The public hearing was closed by a hearing officer on December 23, 1998, when the project entered the 60-day decision period.

Commission staff met with the applicant to discuss the project on August 28, 1998, September 21, 1998, September 30, 1998, October 27, 1998, November 2, 1998, November 18, 1998 December 11, 1998 and December 23, 1998.

The subcommittee met to discuss the project on January 7, 1999.

MATERIALS SUBMITTED FOR THE RECORD:

Materials Submitted by the Applicant:

Project Plans:

1) Concept Revision Plan, C-1		12/3/98
2) Legend and General Notes, C-2		8/27/98
3) Overall Site Plan, C-3		8/27/98
4) Existing Conditions Plan, C-4		8/27/98
5) Existing Conditions Plan, C-7		7/24/98
6) Layout and Materials Plan, C-5		12/30/98
		11/23/98
		11/10/98
	2 different plans dated	10/6/98
7) Layout and Materials Plan, C-4		8/27/98
		7/24/98
8) Grading and Drainage Plan, C-6		11/23/98
		11/10/98
		10/6/98
9) Grading and Drainage Plan, C-5		8/27/98
		7/24/98
10) Utilities Plan, C-7		11/23/98
		11/10/98
		10/6/98
11) Utilities Plan, C-6		8/27/98
		7/24/98
12) Existing Conditions Plan, C-7		8/27/98
13) Landscape Plan, C-8		12/21/98
		11/23/98
		11/10/98
		10/6/98
		8/27/98
		7/24/98
14) Revised Plantings Detention Basins,	received	10/27/98
15) Details, C-9		8/27/98
16) Details, C-10		8/27/98
17) Details, C-11		12/21/98
		8/27/98
18) Proposed Exterior Elevations, EL-1		12/22/98
		11/24/98
		10/29/98
		10/23/98
		8/26/98
		6/22/98
19) Exterior Elevations, EL-2		11/24/98
		8/26/98
		7/10/98
20) Proposed Exterior Elevations, EL-3		8/26/98
		6/22/98

21) Proposed Exterior Elevations, EL-4	12/22/98
	11/24/98
	10/30/98
	10/23/98
22) Site Electrical Plan, SE-1	1/13/99
	12/14/98
	11/24/98
	8/27/98
23) Initial Point-to-Point diagrams	12/3/98
24) Maintained Point-to-Point diagrams	12/4/98
25) Initial and Maintained Point-to-Point diagrams	8/17/98
	12/21/98

Other Submittals:

1) Proposed Renovation Concept Plan - Concept 1	undated
2) Seed Mixtures for Pastures and Meadows, and Seeds for Lawn and Turf	undated
3) Aerial Photographs of Project Site	undated
4) Conceptual Pedestrian Sidewalk Options 1, 2 and 3	undated
5) Proposed Sections Through Earthen Sculpture, 2 sheets	undated
6) Open Space Calculation	undated
7) Site Lighting Plan for Super Stop & Shop, Route 28 & Jones Road, sheet SE-1	October 18, 1997
8) Traffic Impact and Access Study, Attachment C	July 1998
9) Traffic Impact and Access Study Technical Appendix, Attachment C	July 1998
10) Draft Planting Specifications Section 02820	July 27, 1998
11) DRI Application Form and Letter to Tana Watt from Robert Lacourse, VHB	August 28, 1998
12) Regional Policy Plan Consistency Statement	August 1998
13) Letter to Dorr Fox from Michael D. Ford, Attorney	Sept. 4, 1998
14) Copy of letter to Barbara Walling, Sandwich Town Clerk, from Robert Lacourse, VHB	Sept. 17, 1998
15) Memorandum to Tana Watt and Glenn Cannon from Randy Hart, VHB	Sept. 17, 1998
16) Fax to Tana Watt and Kathy Sferra from Michael Ford, Attorney	October 2, 1998
17) Letter and attachments to Glenn Cannon from Randy Hart, VHB	October 5, 1998
18) Alternative Driveway Distribution, Revised Access Plan, VHB Computations	October 28, 1998
19) Fax to Sarah Korjeff from D. Campbell, Landry Architects	October 29, 1998
20) Cross Sections A-A, B-B and C-C	recd. November 2, 1998
21) Queue Discharge Calculation, VHB Computations	November 2, 1998
22) Letter to Tana Watt from Robert Lacourse, VHB	November 10, 1998
23) Letter to Tana Watt from John J. McWeeney	November 10, 1998
24) Letter to Tana Watt from Robert Lacourse, VHB	November 24, 1998
25) Amended Traffic Impact and Access Study	November 24, 1998
26) Letter to Tana Watt from Michael D. Ford, Attorney	November 25, 1998
27) Fax to Tana Watt from Robert Lacourse, VHB	November 30, 1998
28) McGraw-Edison Lighting Manufacturers Catalog Information	recd. December 8, 1998
29) Color Renderings (two)	recd. December 8, 1998
30) Fax to Tana Watt from Robert Lacourse, VHB	December 18, 1998
31) Memo from Frank Stewart, ASLA to Tana Watt	December 21, 1998
32) Copy of Weston Nurseries B&B Tree and Shrub Planting Guidelines	recd. December 22, 1998
33) Draft Transplanting Specifications Section 02830	recd. December 22, 1998
34) Draft Site Irrigation System Specifications Section 02750	recd. December 22, 1998
35) Fax to Tana Watt from Robert Lacourse	January 7, 1999

Materials Submitted by the Town:

1) Sandwich Zoning Bylaw for BL-1	January 28, 1998
2) DRI Referral Form and Letter to Dorr Fox from Colette B. Sullivan, Sandwich Zoning Board of Appeals	August 13, 1998

- 3) Letter to Glenn Cannon from Jo Anne Miller Buntich, Director of Planning and Development October 7, 1998
- 4) Memo to Tana Watt from Kaethe O. Maguire, Sandwich Historical Commission and
- 5) Old King's Highway Regional Historic District Committee November 2, 1998

Materials Submitted by Other Interested Parties:

- 1) Environmental Notification Form dated July 1998
- 2) Letter to MEPA from Brona Simon, Massachusetts Historical Commission August 28, 1998
- 3) Letter to MEPA from Luisa Paiewonsky, Massachusetts Highway Department September 8, 1998
- 4) Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form Sept. 9, 1998
- 5) Fax to Tana Watt from Barbara Hopson, EOEPA Department of Food and Agriculture Sept. 25, 1998

Materials Submitted by Abutters:

- 1) Letter from Joseph V. Maruca November 16, 1998
- 2) Letter from Charles Fosgate December 2, 1998
- 3) Letter from Karen J. Spangler December 7, 1998
- 4) Letter from L. Rappaport December 15, 1998
- 5) Fax from Melissa Ann Butler January 9, 1999

The application and notice of the public hearing relative thereto, the Commission's staff reports, memos, notes and exhibits, minutes of the hearings and all submissions received in the course of the proceedings, including materials submitted on file #TR98036, are incorporated into the record by reference.

TESTIMONY

October 6, 1998 Public Hearing:

Mr. Michael Ford, attorney for the applicant, Mr. Robert Lacourse, VHB, Mr. David Campbell, Landry Architects, and Mr. Walter Steinkraus, Vice-President of Real Estate for Stop & Shop, presented the project. They discussed existing conditions, the project proposal and the architecture of the proposed buildings.

Ms. Tana Watt, Commission Planner, presented the staff report, noting staff recommendations with respect to community character, historic preservation, landscaping, open space, lighting, economic development, hazardous materials and waste management. Mr. Glenn Cannon, Traffic Engineer with the Cape Cod Commission, presented staff's comments with respect to transportation. Ms. Gabrielle Belfit, Hydrologist with the Commission, discussed the proposed wastewater and stormwater systems. Ms. Sarah Korjeff, Historic Planner with the Commission, discussed the historic Roberti Dairy Farm and the architectural design of the proposed buildings. Ms. Kathy Sferra, Natural Resource Planner with the Commission, discussed open space and Natural Resources on the site. The subcommittee asked questions of the staff and the applicant.

Mr. Robert Jones, Sandwich Selectman, asked about the detention basins and the project's coordination with Massachusetts Highway Department. Mr. Charles Fosgate, Merchant's Square, was concerned about traffic and the siting of the new retail building. Ms. Jane Hamilton, abutter, was concerned about traffic, building design and community

character. Mr. Randy Hart, VHB, discussed the proposed traffic access plan. Neil Campbell, abutting store owner, stated that he was concerned about traffic patterns.

November 10, 1998 Public Hearing:

Mr. Robert Lacourse reviewed the revised plans and compared them to previously submitted plans. He discussed the changes that were proposed in site access, as well as the stabilization of the Roberti Farm site. He noted that there were no significant archaeological resources on the portion of the site that would be disturbed by construction. In response to questions from the subcommittee, he also discussed the existing and proposed stormwater drainage systems. Mr. Randy Hart, VHB, reviewed transportation issues, including the planned Massachusetts Highway Department intersection improvements. The subcommittee questioned Mr. Hart about left turns and truck access. Mr. Michael Ford, attorney, noted that the Roberti Farm would be preserved as open space, and informed the subcommittee that CVS would not be the tenant of the new retail building. Mr. David Campbell, Landry Architects, presented new plans for the new retail building as well as design changes made to the Stop & Shop building. In response to subcommittee questions, Mr. Campbell discussed building materials and the changes to the existing bank and commercial building.

Ms. Watt, Planner, presented the staff report, discussing the open space requirement and the open space that was proposed for traffic mitigation. She discussed the stormwater drainage systems, noting that the proposed system is an improvement over existing conditions. She also discussed the landscape plan, the sidewalk proposals, the detention basins, and recommendations for increased buffering. Mr. Glenn Cannon, Traffic Engineer, presented staff comments regarding traffic issues. Ms. Sarah Korjeff, Historic Planner, discussed architectural design issues, as well as how the conservation restriction could be handled to allow reuse of the historic farm buildings.

The subcommittee asked about the findings of the archaeological survey, if the applicant had discussed the project with the Old Kings Highway Historic District, and about the cow underpass.

Ms. Carolyn Crowell, Sandwich Historical Commission, stated that they wanted to be sure the cow underpass was protected. She requested native Cape Cod species for landscaping. Mr. Pat Ellis, Sandwich Selectman, stated that he would not want to see the town trees along Merchant's Road disturbed, only enhanced. Mr. Charles Fosgate, Merchant's Square, noted that he was still concerned about traffic. Mr. Rod Ericson stated that he was concerned about the appearance of the drainage basins. He also noted that the soil on the site was clay. Mr. Jonathon Fitch, resident, noted his concern about the increased separation between the two plazas as a result of the detention basins and plantings. He asked for a pedestrian connection between the plazas, and noted his concern about traffic.

December 8, 1998 Public Hearing:

Mr. Robert Lacourse, VHB, reviewed the changes made since the previous public hearing, including landscaping and sidewalks. Mr. Michael Ford, attorney for the applicant, presented a revised plan showing a second option for the location of the 30' wide landscaped island. He reviewed the revised architectural plans, and discussed the

conservation/agricultural restriction on the farm. He noted that the applicant has offered to donate \$20,000 to the grantee of the property to begin restoration or maintenance of the historic farm buildings.

Ms. Tana Watt, planner, presented the staff report and discussed procedural issues. She noted staff recommendations for a pre-demolition survey for asbestos and lead, as well as for additional language to be included in the maintenance plan for the stormwater drainage structures. Ms. Watt noted that the first option landscape plan satisfied community character Minimum Performance Standards, and that donation of \$20,000 and the relocation of the leaching fields could be considered benefits of the project. Ms. Watt stated that issues with the lighting plan were not resolved. Mr. Glenn Cannon, Traffic Engineer, discussed the interim traffic plan. The subcommittee questioned staff about lighting along Route 6A.

Ms. Carolyn Crowell, Sandwich Historical Commission, stated her concern about road drainage flowing from Route 6A onto the leaching fields. Mr. Robert Jones, Sandwich Selectman, asked about the architectural facade of the Stop & Shop building and truck access. Mr. Charles Fosgate stated his concern about access onto Route 6A. Ms. Joan Kelly asked about the number of trucks that use the site. Mr. Bob Hannon of Ice Cream Sandwich, asked about the traffic light, traffic circulation, and what new stores were expected to lease space in the plaza. Ms. Karen Miller asked about rents, and if the record was still open. Ms. Kelly asked about handicapped access in the parking area. Gina Fitzgerald asked where CVS would locate. Mr. Marshall Spangler read a letter from Karen Spangler in support of the project. Ms. Karen Miller asked about the relationship between the provision of open space and traffic. Mr. Rod Ericson stated that he was concerned about traffic issues, and noted that the drainage plan had improved.

December 23, 1998 Public Hearing:

Tana Watt, acting as a hearing officer, closed the public hearing for the Stop & Shop Plaza project, file #TR98036. No testimony was taken. The record was left open for written testimony.

January 7, 1999 Subcommittee Meeting:

Tana Watt, planner, reviewed the status of the project, noting that the remaining details relating to the site drainage maintenance plan, planting detail sheet, updated planting specifications, exterior lighting design, traffic interim plan, and the conservation restriction had either been resolved or were able to be addressed as conditions in a decision, leaving no outstanding project issues to be resolved. She presented a draft decision for review by the subcommittee and the applicant, many conditions of which were discussed. The subject of how the project would be phased was discussed. Mr. Broidrick made a motion to have Mr. Deane, as chairman, meet with staff to review the revised draft decision prior to sending it to the full Commission. Mr. Schlaikjer seconded the motion and it was unanimously approved. Mr. Schlaikjer made a motion to recommend approval of the project, subject to the revisions discussed, to the full Commission as conditioned in the decision. Mr. Broidrick seconded the motion and it was unanimously approved.

JURISDICTION

The proposed Sandwich Stop & Shop Plaza qualifies as mandatory referral under Section 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended, as a proposed commercial or service business with new construction having a gross floor area greater than 10,000 sq. ft.

FINDINGS

Based upon 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 Sandwich Stop & Shop Plaza project be granted a DRI approval based upon the following findings:

General Findings:

G1. The project consists of the renovation and expansion of the existing Sandwich Stop & Shop Plaza from 63,720 square feet and 280 parking spaces to a total of 107,239 square feet with 557 parking spaces. The project will be phased so that as each phase is completed a partial or final Certificate of Compliance will be requested. This applies to Retail Building A, Retail Building B, and the new Stop & Shop building.

G2. The existing retail complex is located on a 9.96 acre parcel of land. The applicant has proposed to combine this developed parcel with an adjacent 12.57 acre property located to the west for a total project area of 22.57 acres. The existing Roberti Dairy Farm is located on the western parcel, which consists of a series of abandoned open fields, pastures and buildings separated by treelines of natural vegetation. Most of the proposed project will be located on the already developed eastern portion of the site, with some expansion onto the western parcel.

G3. The plan is consistent with local zoning regulations. The town of Sandwich has no Commission approved Local Comprehensive Plan. The project site does not lie within a District of Critical Planning Concern.

G4. Under the Massachusetts Environmental Policy Act (MEPA), the project was required to prepare an Environmental Notification Form (ENF) and was not required to prepare an Environmental Impact Report (EIR).

Water Resources Findings:

WR1. The proposed expansion to the Sandwich Stop and Shop will decrease wastewater flow from the existing facility by 139 gpd by eliminating secondary retail space. The majority of the flow (8,848 gpd) will be disposed of through the use of an advanced denitrifying septic system. The remainder of the flow (726 gpd) will be disposed of using a conventional Title 5 system. Total wastewater flow on the site after expansion will be 9574 gpd. A Department of Environmental Protection (DEP) groundwater discharge permit is required for flows greater than 10,000 gpd. Nitrogen loading from the wastewater will result in a final nitrogen concentration of 4.9 ppm, based on the DEP permitted effluent concentration for the proposed treatment system. At the presently

permitted effluent concentration, any increased flow may bring nitrogen loading over 5 ppm, which would exceed the RPP's nitrogen loading standard. Nitrogen loading from the existing plaza is 7.7 ppm.

The applicant has demonstrated that water quality will be improved after redevelopment of the site. The wastewater flow from the existing plaza will actually be reduced by 139 gpd due to the elimination of secondary retail space, and the flow as a result of the Stop & Shop expansion is not expected to increase. Use of a denitrifying septic system will reduce nitrogen loading from 7.7 mg/l to 4.9 mg/l. Through the use of a denitrifying facility, water quality on the site will be improved and will meet the Regional Policy Plan MPS 2.1.1.1.

WR2. Stormwater runoff will be disposed of through a combination of surface and subsurface infiltration devices. Roof runoff, which does not need pretreatment, will be handled through the use of subsurface leaching pits. Runoff from parking and loading areas will be treated with a combined system. A series of catchbasins with hooded outlets and sediment sumps will precede final discharge to dry vegetated retention basins. The vegetated basins are designed to accommodate a 10 year storm event. 25 year storm events will discharge to an underground infiltration system. Events in excess of the 25 year storm event will discharge through a conveyance pipe to the existing stormwater outfall. In the loading area, oil/grit separators with shutoff valves have been installed prior to subsurface discharge. The stormwater design meets the minimum performance standards of the town of Sandwich and the Regional Policy Plan MPS 2.1.1.6. The new stormwater system as shown on the Grading and Drainage Plan (Sheet C-6, dated 8/27/98 and revised 11/23/98) and Details (Sheet C-10, dated 8/27/98) is an improvement over the existing stormwater system in which all stormwater runoff is discharged into an adjacent off-site marsh.

WR3. A detailed stormwater maintenance plan, detailed in a letter dated November 24, 1998, revised December 18, 1998 from Robert Lacourse of Vanasse Hangen Brustlin, Inc., has been developed to maintain the operating efficiency of all stormwater conveyance structures. The maintenance plan includes weekly removal of litter and trash removal, routine pavement sweeping including bi-annual major sweeping, mowing of grass in vegetated infiltration basins, cleaning and inspection of leaching and catchbasins on a bi-annual basis, and an annual inspection of the infiltration capacity of all infiltration devices.

Natural Resources and Open Space Findings:

NR1. The proposed project is located on two parcels totaling 22.5 acres outside of a Significant Natural Resource Area. The applicant is providing 12.5 acres of permanent open space for the project. This includes 9.93 acres of open space to meet the Regional Policy Plan's Open Space requirement, and 2.67 acres of excess open space that is being applied to the project's traffic mitigation requirements. The majority of this open space is located on the Roberti Farm site, an abandoned dairy farm adjacent to the development; the remainder consists of landscaping surrounding the project.

NR2. The open space will be divided into two areas for the purpose of permanent restrictions. The area that consists of landscaped areas and areas immediately

surrounding the proposed building and septic leaching fields (OP1) will be restricted by permanent deed restrictions as specified in the conditions below. The remainder of the open space on the Roberti Farm parcel (OP2) will be subject to a Chapter 184, Section 31-33 Conservation Restriction or will be donated to the town of Sandwich, the Sandwich Conservation Trust or other qualified land trust approved by the Regulatory Committee to be held solely for conservation and agricultural purposes.

NR3. The applicant will provide a \$20,000 endowment to the holder of the conservation restriction (or, if donated, to the grantee) of the Roberti Farm parcel to help maintain and restore the property. This is a significant benefit with regard to open space protection that is likely to assist the holder of the restriction with the management of this property and its associated farm structures.

NR4. A large portion of the Roberti Farm site consists of prime agricultural soils (Nantucket sandy loam) as classified by the Natural Resource Conservation Service. Prime agricultural soils are relatively unusual on Cape Cod. The applicant has revised the plans to protect as much of this area as possible. The preservation of prime agricultural soils is recognized as a benefit in Regional Policy Plan Development Review Policy 1.2.3. which states that "Development unrelated to agricultural operations should be designed so as to avoid or minimize development on lands capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use."

NR5. The project site does not include any Significant Natural Resource Areas as identified by the Regional Policy Plan.

Economic Development Findings:

ED1. After redevelopment, existing stores will expand into a majority of the new space. One or two new stores may be added.

ED2. In evaluating the employment impacts of the project, the applicant simply stated that there will be a mixture of full- and part-time positions filled by area residents. The applicant does not indicate what the net increase in jobs over the current situation would be, although there would be a net increase.

ED3. The applicant indicates that the contractor will be Tedeschi Realty Company, headquartered in Rockland, MA, and that its employees and subcontractors live in Southeastern Massachusetts and Cape Cod.

ED4. The project will pay additional taxes of \$38,000 over the existing amount of \$72,000.

Transportation Findings:

T1. The potential traffic from this project is based on 42,863 square foot expansion of the existing Sandwich Stop & Shop Shopping Plaza in Sandwich, MA.

T2. The site is located on the corner of Route 6A and Merchant's Road. Route 6A is a scenic highway as designated by the State Legislature in June of 1992 and is located in

The Old King's Highway Regional Historic District. Route 6A is classified as a rural major collector on the Functional Classification Maps.

T3. Traffic estimates for this project are based upon the Institute of Traffic Engineers "Trip Generation" report for Shopping Centers. It is based upon a method that considers both average trip generation and Christmas Season trip generation for shopping centers (see September 30, 1998 and November 4, 1998 staff reports). Based on staff research since that time, it has been determined that these trip generation figures are not as conservative as if only the average trip generation rates had been used. Therefore, the actual increase in traffic from this project may be higher than these estimates. The increase in traffic expected from this expansion is as follows:

Weekday daily	2,010 trips (1,005 in/1,005 out)
Weekday AM peak hour	80 trips (40 in/40 out)
Weekday PM peak hour	150 trips (75 in/75 out)
Saturday daily	2,640 trips (1,320 in/1,320 out)
Saturday peak hour	320 trips (160 in/160 out)

T4. Regardless of the proposed expansion, the Massachusetts Highway Department (MHD) plans to reconstruct Route 6A in parts of Sandwich. This Route 6A reconstruction project includes new traffic signals at the Route 6A/Merchants Road and Route 6A/Tupper Road intersections. The MHD has advertised this project and the project has been awarded for construction. Traffic signal installation is scheduled for the fall of 1999.

T5. The applicant has proposed the donation of 2.7 acres of vacant developable land within the project's study area, in excess of Regional Policy Plan open space requirements, to partially meet Regional Policy Plan transportation trip reduction requirements. This is allowed under Other Development Review Policy (ODRP) 4.1.3.2 and under Minimum Performance Standard (MPS) 4.1.2.1.

T6. It was estimated that an 18,000 square foot retail center could be constructed on the 2.7 acre parcel based on local and Cape Cod Commission regulations. The estimated traffic generation from the 18,000 sq. ft. retail center is as follows:

Weekday daily	2,263 trips (1,132 in/1,131 out)
Weekday AM peak hour	58 trips (29 in/29 out)
Weekday PM peak hour	203 trips (102 in/101 out)
Saturday daily	3,116 trips (1,558 in/1,558 out)
Saturday peak hour	286 trips (143 in/143 out)

T7. This project must reduce its expected increase in average daily traffic generation by 20% to comply with MPS 4.1.2.1. This calculation is based on new driveway trips, prior to adjustment for "pass-by" trips. Therefore, based on the traffic generation figures provided by the applicant, the required reduction is 402 daily trips (20% of 2,010 daily trips). The applicant has proposed several strategies to reduce traffic by 108 trips. The proposed strategies include employee ridesharing, on-site services, and both employee and patron bicycle and pedestrian amenities. This leaves an additional required reduction of

294 daily trips. A portion of the excess open space may be used to meet this requirement. Based on a proportion of total potential trip generation, approximately 13% of the excess open space parcel is necessary to meet this requirement.

T8. The remainder of the excess open space parcel may be used to offset traffic increases from the project (ODRP 4.1.3.2). The following table shows the expected increase in traffic for the peak hour periods, after allowances for the remainder of the excess open space parcel.

	Stop & Shop Expansion	Open Space	Difference
Weekday AM peak hour	80 trips	51 trips	+29 trips
Weekday PM peak hour	150 trips	177 trips	-27 trips
Sat. peak hour	320 trips	249 trips	+71 trips

T9. After the adjustment for the remainder of the excess open space as allowed under ODRP 4.1.3.2, the thresholds of MPS 4.1.1.1 are exceeded on the regional road links and at the regional intersections shown below. The increases are less than 50 new trips on any regional road or intersections during the peak hour. Therefore ODRP 4.1.1.20 may be utilized. The mitigation cost at these locations, based on ODRP 4.1.1.20 are also shown:

Rt. 6A/Merchants Road intersection	27 peak hour trips	\$2,700
Rt. 6A between Merchants Rd and Tupper Road	27 peak hour trips	\$2,700
Route 6A/Tupper Road intersection	34 peak hour trips	<u>\$3,400</u>
Total		\$8,800

T10. MPS 4.1.1.5 states that measured site distance at access/egress locations with public ways for all DRI's shall meet Massachusetts Highway Department and American Association of State Highway Transportation Officials standards. Based on field observations and a plan showing existing sight distances submitted by the applicant, this standard is satisfied.

T11. MPS 4.1.1.6 states that access/egress onto public ways shall follow accepted access management practices, guidelines and policies, and that all new driveways on the regional road system shall operate at Level-of-Service C or better. Based on the proposed spacing of driveways and turn restrictions, this requirement is satisfied. The applicant is restricting turns at two existing unrestricted driveways onto Route 6A that will eliminate site-generated traffic from entering onto Route 6A. The project will also eliminate a curb cut and the additional traffic that would be generated by an approved unbuilt subdivision that intersects with Route 6A. These are considered benefits of the project.

T12. MPS 4.1.1.7 states that there shall be no degradation in public safety as a result of the DRI. The applicant has agreed to provide an interim traffic plan in the event that the site is developed before the Massachusetts Highway Department installs traffic signals at the intersections of Route 6A/Merchant's Road and route 6A/Tupper Road. That interim plan shall consist of police officer control at the Route 6A/Merchants Road and Route 6A/Tupper Road intersections until the intersections are signalized by the

Massachusetts Highway Department as part of planned roadway improvements on Route 6A in Sandwich.

T13. MPS 4.1.1.17 - Based on the access plan submitted by the applicant, impacts on the adjacent road system are minimized. Left turns will not be allowed at the Route 6A site drives. Full access to the regional road system will be allowed via Merchants Road.

Solid and Hazardous Waste Management Findings:

WM1. Information from the Commission's Water Resources Office indicates that the project site is not located in either an existing or proposed Wellhead Protection District/Zone II. As such, Minimum Performance Standard 4.2.2.3, which states that the use, treatment, generation, storage, or disposal of hazardous wastes or hazardous materials, with the exception of household quantities, shall not be allowed within Wellhead Protection Districts, does not apply to this project.

WM2. The project involves the reconstruction of an existing supermarket and buildings that house other retailers. Information submitted for the DRI review states the project will not involve the generation or release of potentially hazardous materials.

WM3. Information submitted as part of the DRI review indicates a pre-demolition survey to identify hazardous materials in the buildings such as lead paint and asbestos-containing materials has been initiated. Minimum Performance Standard 4.2.2.2 requires that development and redevelopment shall be in conformance with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00.

WM4. Some of the plaza tenants, such as Stop & Shop and the Bobby Byrnes restaurant, are known. Other tenants for the buildings designated as "Retail A" and "Retail B" on the site plans were not finalized as of the date of this Decision. At the same time, Minimum Performance Standard 4.2.2.1 states development and redevelopment shall make reasonable efforts to minimize their hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling. The applicants (Stop & Shop and representatives of Tedesci, the plaza landlord) have committed to developing a spill response/emergency plan.

Heritage Preservation/Community Character Findings:

HPCC1. The project is located within the Old Kings Highway Regional Historic District, which is listed on the State Register of Historic Places. In addition, the project is located along Route 6A, a state-designated scenic road.

HPCC2. The project site includes numerous historic structures and overgrown fields associated with the Roberti Dairy Farm, a mid to late 19th century farm complex. The Roberti Dairy Farm was identified as eligible for the National Register as part of a survey of cultural landscapes along Route 6A conducted in 1995. Though the structures are deteriorating, the complex is important as the only remaining dairy farm in the county.

HPCC3. The configuration of the proposed project maintains all of Roberti Farm buildings and a significant portion of the open field area, preserving the most significant

features of the property and allowing for its potential reuse. The proposed project does not affect the existing cow underpass.

HPCC4. The applicant has agreed in writing to secure the farmhouse and the other Roberti Farm structures by boarding up windows and other openings, and by sealing any holes in the roof structures to prevent further deterioration of the buildings. The applicant has also offered to secure the larger barn door openings with gates or fencing to prevent unauthorized access to the barns.

HPCC5. To preserve the historic use of the Roberti Farm fields, the applicant is seeking holders of the open space who could accommodate potential reuse of the farm buildings for agricultural purposes or other historic preservation purposes.

HPCC6. The Massachusetts Historical Commission determined the project site to be archaeologically sensitive and likely to contain archaeological sites related to the Native American settlement of the area and to the nineteenth and early twentieth-century agricultural use of the site. An intensive archaeological survey was conducted in the area of the proposed Stop and Shop building and leaching fields and no significant cultural resources were located.

HPCC7. The proposed Retail B building is generally consistent with traditional Cape Cod architectural styles in its scale and incorporation of pitched roofs, various massings, and a high level of architectural detail, including true windows throughout the first floor of the building.

HPCC8. The design and alteration of all structures on the site are subject to review by the Old Kings Highway Historic District Committee, which may be more restrictive.

HPCC9. Minimum Performance Standard 6.2.3 states that new development shall provide adequate landscaped buffers in order to limit adverse visual impacts on the surrounding community; when proposed adjacent to ... scenic roadways, (and) historic districts..., landscaped buffers shall be provided in order to limit visual impacts on these resources from the new development. 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.

The stormwater retention basins along Merchant's Road are required by local zoning; however, they are very visible and have the potential to negatively impact the community character of the area. The provision of landscaping around the detention basins is intended to help reduce the negative impacts on community character as a result of their construction.

The applicant has improved landscaping on the site through the provision of a 30-foot wide island in the center of the parking lot and other landscaped islands, increased landscaping/buffering along Route 6A and Merchant's Road, and a buffer of plantings between the Stop & Shop building and the Roberti Farm buildings, as shown on the

Landscape Plan, Sheet C-8, dated 8/27/98, revised 12/21/98. The inclusion of a landscaped berm to the southwest of the new Stop & Shop building provides some buffering of the building mass, and a variety of plantings of various heights within the parking lot islands will improve the visual character of the site.

The applicant has retained an existing building close to the road and has added a new frontage building designed to partially shield views of the large parking lot and the supermarket behind them. The scale of the new building and its proximity to the road is consistent with traditional small scale development patterns and helps define the street edge. The roof pitches and the building materials used on the new frontage building are consistent with building styles in the surrounding historic district.

HPCC10. Although consistent with local zoning, the new Stop & Shop building is of a large scale that is not appropriate for the local historic district. Variation in the front facade of the proposed Stop and Shop building, combined with the proposed berm, site landscaping and two frontage buildings, will address the building's visibility from Route 6A. These elements are also intended to reduce the negative impacts of the large scale of the building in conformance with the Minimum Performance Standards.

HPCC11. The applicant has proposed an irrigation system incorporating drip irrigation and/or spray heads to maintain the landscaped areas, excluding the landscaped berm. In addition, the applicant has agreed to provide a two-year maintenance contract to include pruning, watering, mulching, replacement of dead plant materials, fertilization, and pest control for all landscaped areas, including the landscaped berm.

HPCC12. Minimum Performance Standard 6.2.5 requires the provision of pedestrian amenities. The applicant has met the standard by providing sidewalks within the existing parking area, including an east/west landscaped island with a sidewalk, a north/south sidewalk that crosses the parking area, and a sidewalk from Building B to the corner of Route 6A and Merchant's Road. The north/south sidewalk and other sidewalks through the vehicular areas consist of textured concrete that will be visually and texturally distinct from the dark asphalt parking lot.

HPCC13. Minimum Performance Standard 6.2.7 states that exterior lighting shall comply with the standards regarding design, light source, total light cutoff and footcandle levels as defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001. Information submitted for the DRI review indicates the project will include a variety of lighting fixtures, including pole-mounted, wallpack, canopy and low-level walkway lights. Flood lights are proposed for nine locations. Standard 2.4 of Technical Bulletin 95-001 states in part that flood and area lighting is unacceptable.

HPCC14. Information submitted for the DRI review, most specifically the revised exterior lighting plans/point-to-point diagrams received by the Cape Cod Commission on December 22, 1998, and a conversation with the applicant's representatives on December 29, 1998 indicate that:

- a.) Pole-mounted lights proposed for the entrance islands will be deleted.
- b.) Lights on the Route 6A side of the Stop & Shop building nearest the proposed berm will be reduced in height from 13-foot to 10-foot poles.

- c.) The number and spacing of pole-mounted lights proposed along the Merchant's Way entrance have been reduced to two and moved back, closer to the parking lot.
- d.) The low-level walkway lights proposed to be added to the pedestrian path running from the building fronting on Merchant's Way to the Stop & Shop entrance are unlikely to be bright enough to markedly change lighting levels within the site.

HPCC15. The exterior lighting fixture schedules, manufacturers catalog information and specification sheets submitted as part of the DRI review indicate the configuration of the pole-mounted parking lot lights are in conformance with Standards 2.3, 2.4 and 2.6 of Technical Bulletin 95-001. Similar information submitted for the wallpack fixtures indicates conformance with Standard 2.7 of the Technical Bulletin.

HPCC16. A site visit by staff at night on January 5, 1999 confirmed that the Stop & Shop and other retail stores sharing the plaza do not currently have internally illuminated signs.

CONDITIONS

The Commission has reviewed the project against the Minimum Performance Standards in the Regional Policy Plan and has determined that the project, as conditioned below, will comply with all Regional Policy Plan Minimum Performance Standards.

General Conditions:

G1. The site shall be developed consistent with the Layout and Materials Plan, Sheet C-5 issue date 8/27/98, revised 12/30/98, the Site Electrical Plan, Sheet SE-1, issue date 8/27/98, revised 1/13/99, the Utilities Plan, Sheet C-7, issue date 8/27/98, revised 11/23/98, and the Landscape Plan, Sheet C-8, issue date 8/27/98, revised 12/21/98. The building shall be constructed consistent with the elevation drawings entitled "Proposed Exterior Elevations, Stop & Shop Plaza, Route 6A, Sandwich, MA, Sheets EL-1 (issue date June 22, 1998, revised December 22, 1998), EL-2 (issue date June 22, 1998, revised November 24, 1998) and EL-4 (issue date October 23, 1998, revised December 22, 1998). All pylon signage and Stop & 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 applying for a building permit from the Town of Sandwich for the project, the applicant shall obtain a partial Certificate of Compliance from the Cape Cod Commission. This shall apply to Conditions NR1 and HPCC1.

G3. 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. Phases requiring a partial Certificate of Compliance are the completion of the Retail A building and the completion of the Retail B building and its associated parking. A final Certificate of Compliance is required prior to applying for a Certificate of Occupancy for the Stop & Shop building and all project sitework. 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 HPCC8 of this decision. Unless otherwise stated in this decision, the project shall be constructed in accordance with final plans listed elsewhere in this decision

and 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 to the public until a partial Certificate of Compliance is issued by the Cape Cod Commission for such phase.

G4. 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. Such notification shall include a list of key contact(s), including relevant tenant(s) and/or anchor store representative(s) for questions that may arise during the Commission's compliance review. 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.

Water Resources Conditions:

WR1. Any additions or expansion of wastewater flow to the treatment system which would cause the Regional Policy Plan's nitrogen loading standard to be exceeded or which would require a wastewater discharge permit from Department of Environmental Protection (DEP) will require additional review by the Cape Cod Commission as a major modification to assure compliance with the Regional Policy Plan MPS 2.1.1 and the DEP groundwater discharge permit requirements.

WR2. The applicant shall implement the site drainage system maintenance program as described in a letter dated November 24, 1998, revised December 18, 1998 from Robert Lacourse of Vanasse Hangen Brustlin, Inc.

Natural Resources and Open Space Conditions:

NR1. Prior to receiving a partial Certificate of Compliance, the applicant shall provide a plan depicting the 12.5 acres of permanent open space to be protected in conjunction with the project. This includes 9.93 acres of open space to meet the Regional Policy Plan's Open Space requirement, and 2.67 acres of excess open space that is being applied to the project's traffic mitigation requirements. This open space shall be divided into two areas, designated OP1 and OP2, as discussed below.

NR2. The area that consists of landscaped areas and areas immediately surrounding the proposed building and septic leaching fields (OP1) shall be restricted by a permanent deed restriction. A draft deed restriction shall be provided for review and approval by the Cape Cod Commission counsel which shall provide that the areas be maintained as permanent open space. The restriction and plan shall be of a form and content acceptable to the Cape Cod Commission or its designee. Prior to obtaining a final Certificate of Compliance from the Cape Cod Commission, the restriction and plan shall be recorded at the Barnstable County Registry of Deeds and proof of recording shall be provided to the Cape Cod Commission.

NR3. The remainder of the open space on the Roberti Farm parcel (OP2) shall be subject to a Chapter 184, Section 31-33 Conservation Restriction. The applicant shall provide a draft conservation restriction for review and approval by the Cape Cod Commission

counsel which shall provide that the areas be maintained as permanent open space to be used solely for conservation and agricultural purposes. The restriction and plan shall be of a form and content acceptable to the Cape Cod Commission counsel. Prior to obtaining a final Certificate of Compliance from the Cape Cod Commission, the restriction and plan shall be recorded at the Barnstable County Registry of Deeds and proof of recording shall be provided to the Cape Cod Commission. As an alternative, the applicant may donate the area shown on OP2 to the town of Sandwich, the Sandwich Conservation Trust or other qualified land trust approved by the Regulatory Committee to be held solely for conservation and agricultural purposes and provide proof of said donation prior to obtaining a final Certificate of Compliance from the Cape Cod Commission.

NR4. The applicant shall provide a \$20,000 endowment to the holder of the conservation restriction (or, if donated, to the grantee) of the Roberti Farm parcel to help maintain and restore the property. The applicant shall provide proof of said donation prior to obtaining a final Certificate of Compliance from the Cape Cod Commission.

Economic Development Conditions:

ED1. Prior to receiving a final Certificate of Compliance, the applicant shall provide a report to the Commission regarding the number of Cape Cod construction companies and workers, as well as regular employees, employed as a result of the project. This report shall also include the net increase in jobs by type and the salary ranges for the positions.

Transportation Conditions:

T1. Prior to receiving a final Certificate of Compliance, the applicant shall make a monetary contribution of \$8,800 under MPS 4.1.1.20 to address MPS 4.1.1.1, which states that DRIs shall mitigate all year-round and summer transportation impacts created by such development at all regional intersections and on all regional road links where the project traffic is expected to add 25 new vehicle trips or more during the project's typical peak hour. These funds shall be placed in an escrow account held by the county of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design or implementation of transportation improvements in the Town of Sandwich. Any funds remaining after 10 years shall be turned over to the Cape Cod Regional Transit Authority or similar transportation agency for public transportation. The form and content of the escrow agreement shall be approved by Cape Cod Commission counsel.

T2. Prior to receiving a final Certificate of Compliance, the applicant shall appoint the store manager or his designee as on-site Transportation Demand Management program coordinator to partially address the project's trip reduction requirements (MPS 4.1.2.1). The program coordinator shall be responsible for continuously providing information on carpool/vanpool opportunities, in-house support and sponsorship of matching services, ridesharing promotions, financial incentives, preferential parking for car-poolers, accommodation of schedules for car-poolers, and the guaranteed ride home program for the life of the project (20 years).

T3. To partially address the project's trip reduction requirements (MPS 4.1.2.1), and prior to receiving a final Certificate of Compliance, the applicant shall:

1. assemble information regarding carpooling and its benefits to be distributed to new employees for both the Stop & Shop and the proposed retail tenants.
2. designate the employee area where car-pool information will be posted.
3. submit a copy of the notice for the facility newsletter listing interested car-poolers, which will be distributed to each tenant.
4. provide information on the local taxi service as their guaranteed ride home program in case of an emergency for registered ridesharers. Additionally the information on the guaranteed ride home program will be distributed to all registered ridesharers.
5. designate two preferential parking spaces for employees that carpool.
6. submit an outline of the financial incentive program to encourage employees to rideshare.
7. provide secure bicycle storage areas to accommodate up to 40 bicycles for both employees and patrons. The applicant shall provide an outline of the incentive program for those employees who bike to work.
8. provide on site services to decrease employee midday tripmaking. As noted in the Amended Traffic Impact and Access Study for the Proposed Stop & Shop Plaza Redevelopment dated November, 1998, the on site services shall include a break room, an employee microwave, an employee refrigerator and may include a bank, an ATM machine, and prepared foods.

T4. Prior to receiving a final Certificate of Compliance, the applicant shall donate 2.7 acres of commercial land as part of the Roberti Farm Conservation Restriction and provide the Commission with proof of recording of such donation as outlined in Condition NR3, above, to address the remaining mitigation required for both the trip reduction requirement (MPS 4.1.2.1 and MPS 4.1.2.2) and the traffic impact requirement (MPS 4.1.1.1). The land donation shall be in excess of the open space requirements of the RPP and shall permanently restrict all development on the parcel.

T5. If the Stop & Shop site is developed before the MHD installs traffic signals at the intersections of Route 6A/Merchant's Road and Route 6A/Tupper Road, then prior to receiving a final Certificate of Compliance the applicant shall provide Police Officer control at those intersections during peak season conditions between May and September inclusive. Staff recommends that the Police Officer control be applied at the discretion of the Sandwich Police Chief. Typical hours of operation would be weekday evenings between 3:00 PM and 6:00 PM and on Saturday between the hours of 11:00 AM and 3:00 PM.

Solid and Hazardous Waste Management Conditions:

WM1. Removal and disposal of any asbestos-containing materials revealed in the pre-demolition survey shall be in accordance with the requirements of the Department of

Environmental Protection and Division of Labor and Industry. Prior to issuance of a final Certificate of Compliance, the applicant shall submit a copy of the pre-demolition survey of buildings for asbestos-containing materials and lead paint to the Cape Cod Commission.

WM2. All hazardous wastes generated during building demolition or reconstruction activities shall be managed according to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00. This includes but is not necessarily limited to removal and disposal of lead-based paint coated building debris, fluorescent lamps and hazardous waste lamp ballasts.

WM3. Any used oil or other hazardous waste generated by the Stop & Shop or other plaza tenants after the building reconstruction work is completed shall be managed in accordance with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00.

WM4. Prior to issuance of a final Certificate of Compliance by the Commission, an outline for a spill response/emergency plan shall be created for the plaza subject to Commission staff review and approval. The plan outline shall include employee training that describes what to do in an emergency and how to respond to releases of hazardous materials or wastes in any area of the site, including inside the buildings, in the parking lot and loading docks.

WM5. The applicant, landlord of the plaza and other plaza tenants once they are known shall coordinate the development of a unified system of spill response/emergency plans using the outline described in Condition #4, above. The development and implementation of these plans shall be coordinated with the local emergency responders in Sandwich, including the Sandwich Fire and Sandwich Police Departments. A copy of the final plans shall be provided to the Sandwich Fire and Police Departments and the Cape Cod Commission.

Heritage Preservation/Community Character Conditions:

HPCC1. Prior to receiving a partial Certificate of Compliance, the applicant shall obtain approval from Massachusetts Historical Commission for the proposed methods of securing the historic structures. At a minimum, the applicant shall secure the Roberti Farm structures by boarding up windows and other openings, and by sealing any holes in the roof structures to prevent further deterioration of the buildings. The applicant shall also secure the larger barn door openings with gates or fencing to prevent unauthorized access to the barns.

HPCC2. To preserve the historic use of the Roberti Farm fields, the applicant shall identify a holder of the open space who can accommodate potential reuse of the farm buildings and former fields for agricultural purposes or other historic preservation purposes.

HPCC3. The applicant shall construct the Retail A, Retail B, and Stop and Shop buildings in accordance with elevation drawings entitled "Proposed Exterior Elevations, Stop & Shop Plaza, Route 6A, Sandwich, MA, Sheets EL1 (issue date June 22, 1998, revised December 22, 1998), EL2 (issue date June 22, 1998, revised November 24, 1998)

and EL4 (issue date October 23, 1998, revised December 22, 1998)". The buildings shall include true windows throughout the first floors. If the Sandwich Old Kings Highway Historic District Committee requires more restrictive changes to the building designs, such changes may be reviewed and approved by Commission Staff consistent with the Commission's policy on Revisions to Approved DRI's.

HPCC4. The applicant shall landscape the site in accordance with the Landscape Plan, Sheet C-8, issue date 8/27/98, revised 12/21/98, including the 30' wide landscaped island, the construction and landscaping of the berm and buffer to the Roberti Dairy Farm, the landscaped buffer Route 6A and Merchant's Road, the plantings adjacent to the detention basins, and parking lot plantings.

HPCC5. The applicant shall install an irrigation system for all landscaped areas, excluding the landscaped berm. The applicant shall provide a fully executed landscape maintenance contract for two full growing seasons to include irrigation, pruning, guying, mulching, pest management, fertilizing, erosion repair, lawn maintenance, and replacement of dead vegetation, including grass, trees and shrubs.

HPCC6. The applicant shall provide new site lighting as shown on the Site Electrical Plan, Sheet SE-1, issue date 9/27/98, revised 1/13/99. Pole-mounted, wallpack and other exterior lighting fixtures for this project shall conform to the requirements of Technical Bulletin 95-001 and Minimum Performance Standards 6.2.7 and 6.2.8. If the Sandwich Old Kings Highway Historic District Committee requires changes to the fixture design or location, such changes may be reviewed and approved by Commission Staff consistent with the Commission's policy on Revisions to Approved DRI's.

HPCC7. Prior to issuance of a final Certificate of Compliance, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of Technical Bulletin 95-001 and Minimum Performance Standard 6.2.7. This review shall be based on the final exterior lighting design plans dated 9/27/98, revised 1/13/99.

HPCC8. If all required Merchant's Road improvements, exterior lighting and/or landscape improvements are not complete at the time a partial or 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 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. The applicant may apply to the Regulatory Committee for approval to substitute a performance bond in place of an escrow agreement.

CONCLUSION

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; will improve the quality of the stormwater recharged from the site; will provide for the reuse of the historic Roberti Dairy Farm buildings; will permanently protect and preserve prime agricultural soils; will preserve the character of the historic farmsite; will provide improved landscaping; will eliminate traffic generation and a curb cut from an approved unbuilt subdivision that intersects with Route 6A, will eliminate site-generated traffic from entering onto Route 6A, and will redevelop an existing site.

Detriments of the project include the loss of a portion of the historic farmstead; the addition of a new structure that is of a scale that is not appropriate for a historic district; increased traffic generation; the location of the stormwater retention basins; and loss of undeveloped land and prime agricultural soils due to project expansion.

As conditioned above, the project is consistent with the Minimum Performance Standards in the Regional Policy Plan and with town of Sandwich zoning bylaws. The town of Sandwich has no Commission approved Local Comprehensive Plan and the site is not located in a District of Critical Planning Concern.

The Commission hereby grants The Sandwich Stop & Shop Plaza a DRI approval with Conditions.

Herbert Olsen
Herbert Olsen, Chairman

1/21/99
Date

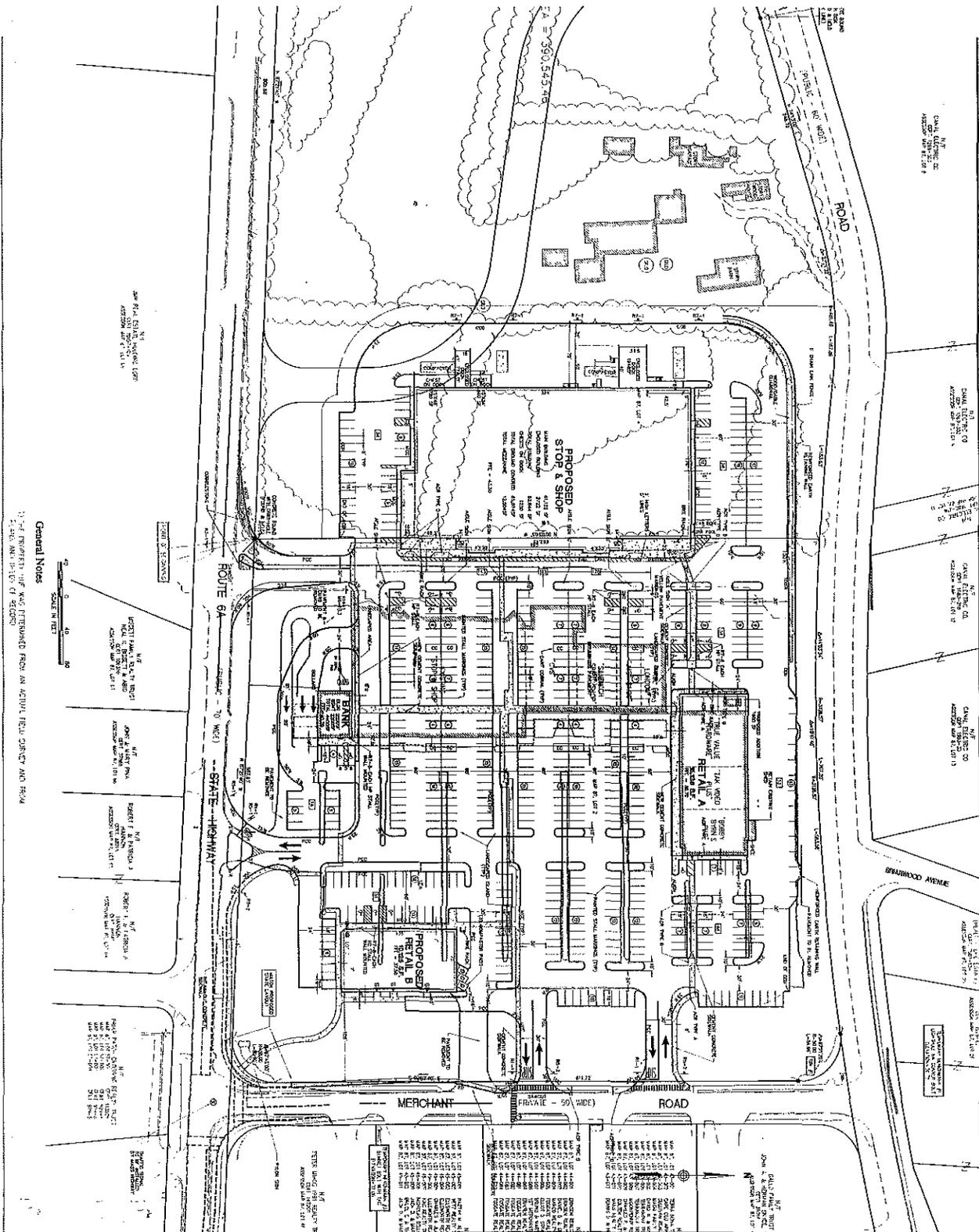
Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 21st day of January, 1999
Katharine L. Peters
Name, Notary Public

My commission expires:

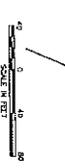




General Notes

1. All proposed work was prepared from an actual field survey and from

2. The work was done by the



SCALE IN FEET

C-5

DATE: 1/21/99

Layout & Materials Plan

Shop & Shop Plaza Proposed Redevelopment Route 6A

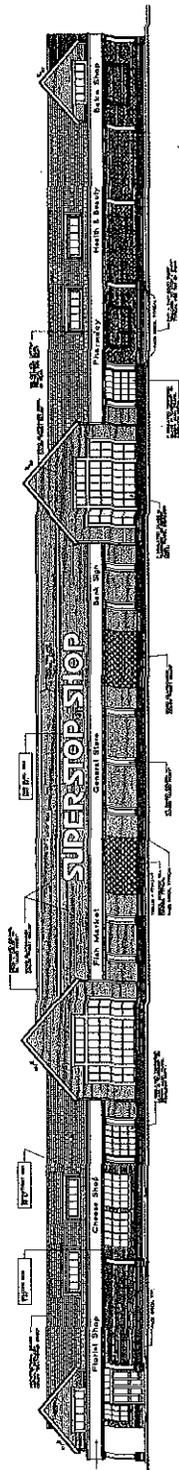
Approved

Professional Seal

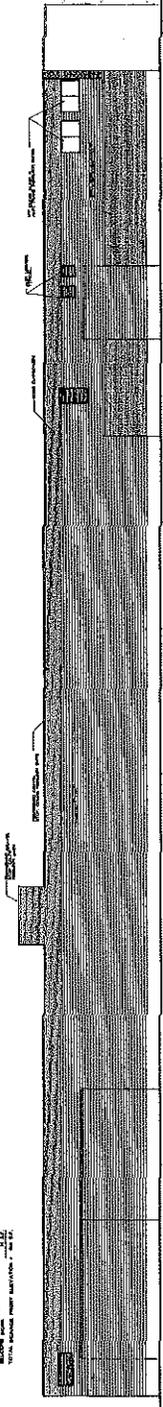
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5. LOT 104	6. LOT 105	7. LOT 106	8. LOT 107
9. LOT 108	10. LOT 109	11. LOT 110	12. LOT 111
13. LOT 112	14. LOT 113	15. LOT 114	16. LOT 115
17. LOT 116	18. LOT 117	19. LOT 118	20. LOT 119
21. LOT 120	22. LOT 121	23. LOT 122	24. LOT 123
25. LOT 124	26. LOT 125	27. LOT 126	28. LOT 127
29. LOT 128	30. LOT 129	31. LOT 130	32. LOT 131
33. LOT 132	34. LOT 133	35. LOT 134	36. LOT 135
37. LOT 136	38. LOT 137	39. LOT 138	40. LOT 139
41. LOT 140	42. LOT 141	43. LOT 142	44. LOT 143
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309. LOT 408	310. LOT 409	311. LOT 410	312. LOT 411
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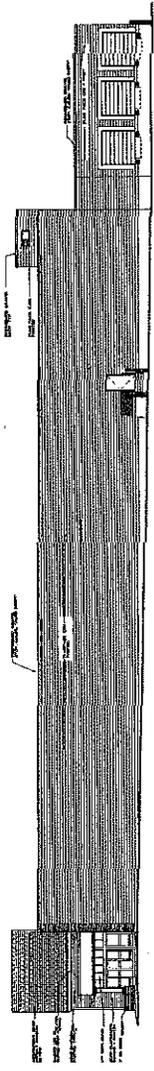
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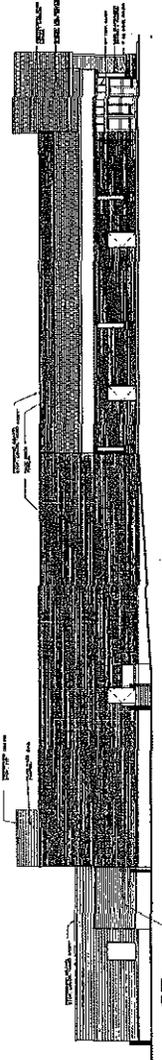
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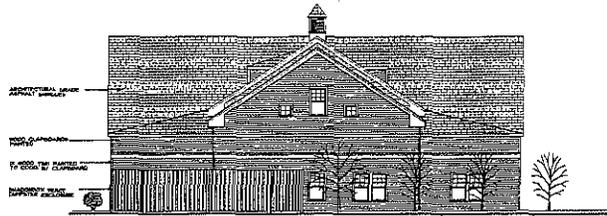
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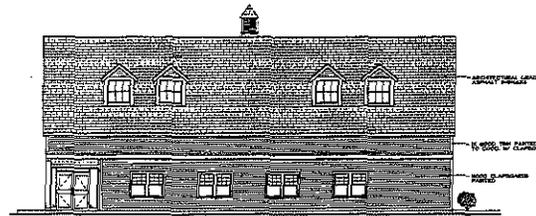
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 2. SEE ARCHITECT'S SPECIFICATIONS FOR MECHANICAL, ELECTRICAL AND PLUMBING.
 3. SEE ARCHITECT'S SPECIFICATIONS FOR LANDSCAPE AND EXTERIOR LIGHTING.
 4. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR FURNITURE AND ACCESSORIES.
 5. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR FINISHES AND MATERIALS.

FINAL PLAN APPROVED
 BY THE CAPE COD COMMISSION
 DATE: 12/1/99
Kate Ferguson Peters
 Clerk of the Cape Cod Commission



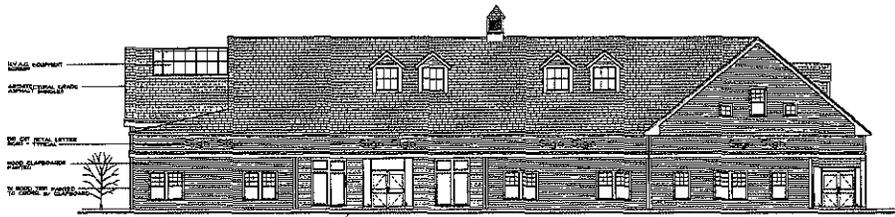
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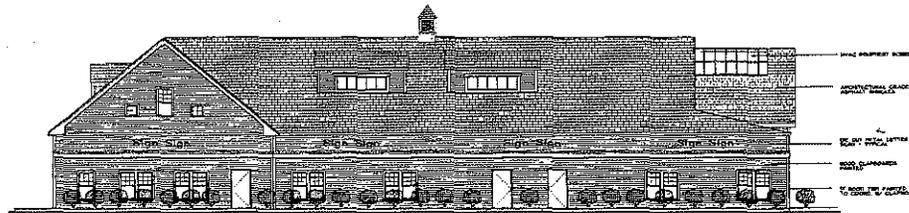
SOUTH ELEVATION

SCALE UP = 1/4"



WEST ELEVATION

SCALE UP = 1/4"



EAST ELEVATION

SCALE UP = 1/4"

**FINAL PLAN
APPROVED**
BY THE CAPE COD COMMISSION
DATE: 1/21/99
Katharine de Rosa
Clerk of the Cape Cod Commission

LANDRUY ARCHITECTS
100 HANOVER STREET, FINE HALLS, MA 02548
TEL: 508-548-0400



PROPOSED EXTERIOR ELEVATIONS - RETAIL B
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