



CAPE COD COMMISSION

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Date: April 27, 2000

To: Gladstone Limited Partnership,
c/o Attorney Patrick Butler, Nutter, McClennen & Fish
1513 Iyanough Road
Hyannis, MA 02601

From: Cape Cod Commission

Project #: TR20004

Project: Linens & Things
76, 80, and 94 Enterprise Road
Hyannis, MA 02601

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

Certificate #: C138492, lot 15 29719B, lot 33 29719D
C137679, lot 32 29719D
C138493, lots 13 & 14 29719B

DECISION OF THE CAPE COD COMMISSION

Summary

The Cape Cod Commission (Commission) hereby approves with conditions the application of Gladstone Limited Partnership as a Development of Regional Impact (DRI) limited to the subject areas of Community Character and Transportation under Sections 12 and 13 of the Cape Cod Commission Act, as amended. The decision is rendered pursuant to the vote of the Commission on April 27, 2000.

Linens & Things #TR20004
Development of Regional Impact Decision April 27, 2000



Project Description

The project consists of plans by Gladstone Limited Partnership to demolish existing structures and construct one 37,800 gross square foot retail building on 2.55 acres of land in the business district. The site currently consists of 36,000 square feet of mixed-use development housed in three separate buildings. The proposed Linens & Things site abuts the southwestern side of the Cape Cod Mall and has frontage along Enterprise Road in the village of Hyannis in Barnstable.

Procedural History

The Commission received a Determination of Change of Use application from Gladstone Limited Partnership, c/o Attorney Patrick Butler on November 30, 1999. At a public hearing on January 3, 2000 the Regulatory Committee voted unanimously that the project was subject to mandatory review as a DRI, limited to the subject areas of community character and transportation. On January 27, 2000, the Commission received a DRI referral from Barnstable Site Plan Review. On February 2, 2000 the Commission notified the applicant of the DRI review. A hearing officer of the Commission opened the duly noticed public Pro-Forma hearing on February 29, 2000 at the Barnstable Superior Court House. An authorized subcommittee conducted a duly noticed public hearing on March 27, 2000. On April 13, 2000 the subcommittee held a duly noticed public meeting to discuss the draft findings and conditions of the DRI Decision. The public hearing was closed on March 23, 2000 and the record was left open for submission of written materials until April 6, 2000. At the April 13, 2000 subcommittee meeting, the subcommittee voted unanimously to send the Linens & Things decision to the full Commission on April 27, 2000. A final public hearing was held on April 27, 2000 before the full commission. At the hearing, the Commission voted unanimously to approve the Linens & Things project.

Materials Submitted for the Record

From the Applicant:

- Application and associated documents dated 2/15/00
- Site Plan of Land by Down Cape Engineering dated 4/18/00, 4/3/00, 12/27/00, and 12/2/99(received 2/23/00).
- Detail Sheet to Accompany Site Plan by Down Cape Engineering dated 4/18/00, 4/3/00, and 2/15/00.
- Full set of Elevation Drawings from Peter F. Dimeo Assoc., Inc. dated 4/21/00, 2/22/00, 2/16/00, and 1/28/00.
- Lighting Plans by Ruud Lighting dated 4/7/00 and 3/27/00.
- Sign Detail from Manderville Signs inc. dated 4/20/00.
- Lighting Specifications, received 4/10/00.
- Letter from Jennifer Conley, Rizzo Assoc., to Glenn Cannon, Commission Transportation Engineer dated September 22, 2000.
- Letter from Patrick Butler to Robert Smith, Barnstable Legal Counsel, dated 1/11/00.

- Letter from Rick Bryant, Rizzo Assoc. to Patrick Butler, representing the applicant, dated 1/27/00.
- Fax from Rick Bryant to Glenn Cannon dated 1/28/00.
- Fax from Patrick Butler to Dorr Fox, Chief Regulatory Officer dated 2/8/00.
- Fax from Stuart Bornstein to Sharon Rooney dated 2/22/00.
- Fax from Rick Bryant to Glenn Cannon dated 3/29/00.
- Memo from Rick Bryant to Glenn Cannon dated 4/1/00.
- Fax from Stuart Bornstein to Seth Wilkinson dated 4/5/00.
- Fax from Patrick Butler to Seth Wilkinson dated 4/10/00.
- Letter from Patrick Butler to Seth Wilkinson dated 4/14/00.
- Fax from Stuart Bornstein to Seth Wilkinson dated 4/19/00.
- Letter from Richard Bryant to Glenn Cannon dated 4/21/00.
- Letter from Arne H. Ojala to Seth Wilkinson dated 4/27/00.
- Fax from Stuart Bornstein to Seth Wilkinson dated 4/27/00.

From the Cape Cod Commission:

- Fax from Seth Wilkinson to Patrick Butler & Stuart Bornstein dated 1/26/00.
- Letter from Seth Wilkinson to Patrick Butler dated 2/2/00.
- Letter from Seth Wilkinson to Patrick Butler dated 2/2/00.
- Memo from Seth Wilkinson to the Regulatory Committee dated 2/7/00.
- Letter from Seth Wilkinson to Patrick Butler dated 2/10/00.
- Memo from Seth Wilkinson to Ralph Crossen, Barnstable Building Commissioner dated 2/16/00.
- Memo from Seth Wilkinson to Stuart Bornstein dated 2/18/00.
- Memo from Seth Wilkinson to Stuart Bornstein dated 2/29/00.
- Fax from Seth Wilkinson to Patrick Butler dated 3/30/00.
- Fax from Seth Wilkinson to Patrick Butler dated 4/4/00.
- Staff Report Dated 3/20/00.

From local officials:

- DRI Referral Form from Barnstable Site Plan Review dated 1/27/00

From the public:

- No materials were received from the public.

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearing and all written submissions received in the course of the proceedings of #TR20004 are incorporated into the record by reference.

Testimony

The Commission received testimony at the public hearing held on March 27, 2000 at the Assembly of Delegate Chambers at the First District Court.

Attorney Patrick Butler, representing the applicant, reviewed the various community character and transportation issues associated with the project.

Seth Wilkinson, project planner for the Commission, reviewed the procedural history of the project and described how it was a redevelopment of existing commercial development. He outlined the community character issues that were inconsistent with the RPP.

Glenn Cannon, Commission Transportation Engineer, outlined the transportation issues associated with the project and described the inconsistencies with the RPP.

Ralph Crossen, Barnstable Building Commission, commented on the Town's involvement with the project and that it appeared to be consistent with Town regulations.

There were no comments from other public officials or the general public.

There were questions and discussion from the subcommittee.

Mr. Butler closed by asking the subcommittee to proceed to drafting the decision with conditions.

Mr. Wilkinson closed by explaining that there were still issues to be resolved, and explained that if the applicant could resolve the issues, staff were prepared to work diligently to draft a decision.

Jurisdiction

The proposed Linens & Things qualifies as a Development of Regional Impact (DRI) under Section 3(e) of the DRI Enabling Regulations governing review of Developments of Regional Impact, which requires review of any retail development which proposes "use changes which have a gross floor area greater than 10,000 square feet".

Findings

The Commission has considered the application of Gladstone Limited Partnership for the proposed Linens & Things in Hyannis, MA, and based on consideration of such application and upon the information presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General Findings

G1. The project consists of plans by Gladstone Limited Partnership to demolish three existing structures and construct one 37,800 gross square foot "Linen's and Things" retail

store building on 2.55 acres of land in a district zoned for business. Currently, the site contains 36,000 square feet of mixed-use development housed in three separate buildings.

G2. Section 4 of the Enabling Regulations governing Developments of Regional Impact authorizes the Regulatory Committee to limit the scope of review for an existing commercial or retail change of use development project to specific subject areas. The Regulatory Committee found in its decision dated 1/3/00 that the proposed project was subject to DRI review limited to the areas of Transportation and Community Character.

Community Character Findings

CC1. With the connection of Enterprise Road to Route 132 as a result of the Cape Cod Mall expansion, redevelopment of Enterprise Road is likely to have significant community character impacts as this area becomes a substantial part of the Route 132 commercial corridor.

CC2. The Linens & Things project involves the redevelopment of a fully developed commercial site, virtually void of any vegetation or other existing original features.

CC3. MPS 6.2.4 requires that the mass and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows shall be harmonious among themselves and consistent with traditional Cape Cod architectural styles. The applicant has designed variations in the façade including a continuous pitched roof over the front of the building and variations in the roofline elsewhere in order to meet MPS 6.2.2. Dense plantings of evergreen trees and arbors have been proposed to integrate the building with proposed landscaping.

CC4. In order to achieve compliance with MPS 6.2.4, which requires that development provide adequate buffers between parking areas and the street and significant improvements to interior parking lot landscaping, the applicant has submitted a landscape plan dated 4/4/00 from Bill Lewis for Down Cape Engineering. The landscape plan provides a dense planting of mixed deciduous and evergreen species in the southwest corner of the site between Enterprise Road and the parking lot to buffer the parking area from the road. Generous plantings are proposed in islands within the parking lot to improve the visual appearance of the parking area and provide shade. A proposed sidewalk along the western side of Enterprise Road within the town right-of-way will allow adequate room for future tree planting by the Town.

CC5. MPS 6.2.5 requires landscaping that integrates buildings with their environment, enhances architectural features and provides amenities for pedestrians. The applicant has proposed dense plantings surrounding the building to integrate it with the environment and create a space that accommodates pedestrians. These plantings are proposed to be installed following the guidelines outlined in the Commission publication, "Designing the Future to Honor the Past". The applicant has proposed planting along the boundaries to the site to the greatest extent possible given the spatial constraints to be in compliance with MPS 6.2.6. In order to accommodate Development Review Policy (DRP) 6.2.14, the applicant has proposed that shade trees be a minimum of 3" caliper / diameter at

breast height at the time of planting. In order to achieve compliance with DRP 6.2.16 the applicant has submitted a plant list received 4/18/00 that includes plants which are suitable to the climate and location of the site.

CC6. In order to partially comply with MPS 6.2.7, which requires that exterior lighting comply with the standards outlined in technical bulletin 95-001, the applicant submitted a March 27, 2000 exterior lighting plan which complies with Technical Bulletin 95-001 standards 2.3, 3.4, and 2.6.

CC7. On April 7, 2000, the Commission received a revised proposed lighting plan. It showed no walkway lighting, ten parking lot pole-mount lights and six wall-mount fixtures 20 feet in height. Estimated maintained foot-candles ranged between 1.0 to 5.5. The April 7, 2000 plan conforms with Technical Bulletin standards 2.5 and 2.8.

CC8. Proposed wall mount fixtures include a clear acrylic lens and "70 degree main beam forward throw" characteristics. Standard 2.7 of Technical Bulletin 95-001 requires wall mount lights to have a prismatic lens and a method of adjusting the beam cutoff in the field. It also requires a maximum cutoff of 70 degrees from vertical. The wall mounts selected are in partial compliance (due to lens type) with Technical Bulletin standard 2.7.

CC9. In order to achieve compliance with MPS 6.2.8 no billboards, off-site advertising, or internally lit or flashing signs are proposed.

CC10. The applicant has proposed that all utilities for development be placed underground in order to achieve compliance with MPS 6.2.9.

CC11. In order to achieve compliance with MPS 6.2.10 the applicant has proposed all the parking be located to the side of the building.

CC12. The applicant has proposed that the dumpster be fenced with adjacent planting to the south. A mix of deciduous and evergreen plantings between the parking lot and Enterprise Road are proposed as screening in order to achieve compliance with MPS 6.2.11 which requires visual screening of refuse and waste removal areas.

CC13. In order to accommodate DRP 6.2.15 the applicant has proposed a reduction in parking spaces (from that required by local zoning) to provide more area for plantings and to improve interior vehicle and pedestrian site circulation. Town of Barnstable Site Plan Review Committee has indicated support for this recommendation without the need of a variance.

CC14. In order to achieve compliance with DRP 6.2.18 the applicant has proposed Gypsum Fiber Reinforced Concrete (GFRC) for the majority of siding and trim in a "canvas" color submitted to the record with a photograph, shown on the Elevation Plan dated 2/22/00. GFRC will satisfy MPS 6.2.18 because it gives the appearance of wood construction. Due to maintenance concerns associated with wood frame window

construction, mullions for storefront windows will be aluminum frames which are proposed to be painted or anodized white in order to satisfy MPS 6.2.18 which recommends the use of traditional building materials.

CC15. In order to achieve compliance with DRP 6.2.19, which recommends the size and color of all signs be compatible with the surrounding buildings and street, the applicant is proposing two attached signs built to the specifications of Manderville signs inc. detail plan dated 4/20/00 and has proposed no freestanding signs. The Barnstable Building Department will make a final determination regarding compliance with Town regulations governing the dimensions of signs.

Transportation Findings

T1. Enterprise Road is a regional roadway and located in a certified growth center as defined in the Regional Policy Plan.

T2. The traffic impacts of this project are based on the net increase in vehicle trips. The net increase in traffic generation was calculated as the difference between the expected traffic generation of the proposed Linens 'n Things and the existing traffic from the site. The trip generation for the proposed Linens 'n Things is based on a trip generation rate analysis conducted by Rizzo Associates at an existing Linens 'n Things in Framingham, MA. The traffic generation of the existing uses are based on a traffic count conducted by Rizzo Associates on Wednesday, July 21, 1999 and Saturday, July 24, 1999 and supplemented with ITE Trip Generation manual data. Based on Rizzo Associates' Linens 'n Things trip generation analysis, ITE trip generation rates and existing traffic count data, the Commission transportation staff estimates that the new store will increase traffic over the existing uses, as follows:

- 768 additional daily vehicle trips
- 89 additional morning peak hour trips
- 91 additional afternoon peak hour trips
- 98 additional Saturday midday peak hour trips.

It should be noted that no adjustment in trip generation was made for the slightly larger store in Framingham.

T3. The Regional Policy Plan threshold for traffic impacts is 50 new vehicle trips per peak hour on a regional roadway or regional intersection in a certified growth area. Assuming no adjustment for "pass-by" trips and an even split of traffic at the site drive, the distribution of the 98 vehicle trips over the roadway network results in less than 50 new vehicle trips per hour on regional roadways and at regional intersections. Therefore, the new traffic generated by the development is below the threshold of 50 vehicle trips requiring analysis and mitigation under MPS 4.1.1.1 within growth centers. Furthermore, this analysis is conservative (actual new trips may be lower) because no "pass-by" trips are assumed.

T4. MPS 4.1.1.5 requires all DRI access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. Based on field observations the stopping sight distances are adequate based on AASHTO and MHD standards.

T5. Currently three driveways located on the west side of Enterprise Road provide vehicle access for the site. The proposed access to the development is to be provided at one centralized driveway location. MPS 4.1.1.6 states that regardless of project size or traffic generation, access/egress onto public ways shall follow accepted access management practices, guidelines and policies. Consolidating three existing driveways down to one centralized driveway is consistent with this performance standard. In addition, MPS 4.1.1.17 requires that access/egress be designed to minimize impacts on the adjacent road system. This improved access management plan for the facility provides a benefit to the regional roadway system.

T6. MPS 4.1.1.17 states that internal site circulation and access/egress shall be designed to minimize impacts on the adjacent road system. At a meeting held with the Barnstable Site Plan Review on February 24, 2000, Town of Barnstable engineering staff recommended that a divisional island be installed on the first row of parking spaces, closest to the driveway. The divisional island would channelize vehicles onto the parking lot roadways and reduce the conflict points at the entrance to the parking lot. Reducing the conflicts at the entrance will reduce the potential crash frequency. Reducing the crash frequency along the regional road will benefit traffic flow on Enterprise Road. The applicant made revisions to the project plans dated 4/18/00 in order to satisfy this request by the Town.

T7. Regardless of project size, all DRI are required to reduce site generated traffic by 20 percent (MPS 4.1.2.1) based on the net increase in traffic generated by the development. The net increase in vehicle trips for the development is 768 daily vehicle trips. The proponent must reduce the average daily automobile trips by 20% or 154 trips. The applicant has proposed a trip reduction plan that includes the following components:

- construct a five-foot sidewalk with granite curb on both sides of Enterprise Road from the existing sidewalks at the northern boundary of the project (installed by the Cape Cod Mall project) extending south to the northerly limit of the Town of Barnstable Bearses Way/Enterprise Road intersection project,
- provide a pedestrian connection to the existing Cape Cod Mall crosswalk at the easterly property line (also achieves compliance with DRP 6.2.17)
- provide a bicycle rack on-site for storage of up to 10 bicycles,
- designate at least two parking spaces to serve multi-occupant vehicles,
- designate an employee as the transportation coordinator, who will be responsible for the coordinating and implementation of a traffic reduction program that at a minimum will include the following:
 - the posting of carpooling requests on a designated bulletin board to match carpooling participants,

- the dissemination of information to employees and customers regarding available transit services to and from the site,
- provision of a guaranteed ride-home program for carpooling employees.

T8. The proposed site is located adjacent to both a year-round bus service route (the Villager) and a seasonal trolley service route (the HAT).

Conditions

G1. This DRI decision is valid for seven (7) years and local development permits may be issued pursuant hereto for a period of seven (7) years from the date of the written decision.

G2. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

G3. The applicant shall obtain all state and local permits for the proposed project.

G4. No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.

G5. Prior to issuance of a building permit for any phase of proposed construction, the applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 6/3/99 and as amended from time to time.

G6. The proposed Linens & Things project shall be constructed in accordance with the following final plans:

- -Landscape Plan and attached plant list by Bill Lewis for Down Cape Engineering, dated 4/4/00 (received 4/19/00).
- -Site Plan by Down Cape Engineering, dated 4/18/00 (received 4/19/00).
- -Detail Sheet to Accompany Site Plan, dated 4/18/00 (received 4/19/00).
- -Front Elevation (West) / Right Side Elevation (South) by Peter F. Dimeo Associates, Inc., dated 4/21/00 (received 4/24/00).
- -Rear Elevation (East) / Left Side Elevation (North) by Peter F. Dimeo Associates, Inc., dated 4/21/00 (received 4/24/00).
- -Sign Detail by Manderville Signs, dated 4/20/00 (received 4/26/00).

G7. Prior to receiving a temporary or final Certificate of Occupancy from the Town of Barnstable, the applicant shall obtain a Certificate of Compliance from the Commission.

G8. The project shall not be open for business to the public until a Certificate of Compliance is received from the Cape Cod Commission.

G9. The applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least thirty (30) days prior to the anticipated date of occupancy. Such notification shall include a list of key contact(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 in writing of any deficiencies and corrections needed. The applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless all conditions are complied with or secured consistent with this decision. The applicant agrees to allow Cape Cod Commission staff to enter onto the property which is the subject of this decision for the purpose of determining whether the conditions contained in the decision are met.

G10. The applicant shall demonstrate that a copy of this decision has been provided to the general contractor prior to the start of construction.

Community Character Conditions

CC1. All building construction, site work, landscape installation, exterior lighting, and signage shall be completed in accordance with final plans listed under Condition G6 prior to the issuance of a Certificate of Compliance.

CC2. If all required site work and/or landscape improvements are not complete at the time a Certificate of Compliance is sought from the Commission due to the time of year, 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 agreement may allow for partial release of escrow funds upon partial completion of work. The escrow agreement shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the applicant, with interest, upon completion of the required work.

CC3. Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

CC4. Exterior lighting shall be based on the April 7, 2000 revised lighting plan and shall conform to the requirements of MPS 6.2.7 and Technical Bulletin 95-001. Wall mount or wall pack lights in particular shall be equipped with a prismatic lens, and a means of adjusting the beam cutoff in the field.

CC5. Prior to issuance of a Certificate of Compliance, Commission staff shall conduct in-the-field verification of conformance with the requirements of the Technical Bulletin

95-001 and MPS 6.2.7. This review shall be based on the revised exterior lighting design plan received by the Commission on April 7, 2000.

CC6. Prior to issuance of a Certificate of Compliance, the applicant shall undertake any corrections or adjustments to the exterior lighting design as may be necessary to comply with the requirements of MPS 6.2.7.

CC7. The installation of billboards, off-site advertising (excepting approved directional signs) and internally lit or flashing signs shall be prohibited.

Transportation Conditions

T1. Prior to receiving a Certificate of Compliance, the applicant shall complete the following to partially address the project's trip reduction requirements (MPS 4.1.2.1):

- construct a five-foot sidewalk with granite curb on both sides of Enterprise Road from the existing sidewalks at the northern boundary of the project (installed by the Cape Cod Mall project) extending south to the northerly limit of the Town of Barnstable Bearses Way/Enterprise Road intersection project. The sidewalk shall be a minimum of five-feet wide with granite curbing and constructed in conformance with the Town of Barnstable standards,
- provide a pedestrian connection to the existing Cape Cod Mall crosswalk at the easterly property line,
- provide a bicycle rack on-site for storage of up to 10 bicycles,
- designate at least two parking spaces to serve ridesharing vehicles.

T2. To address the remaining trip reduction requirements, prior to receiving a Certificate of Compliance and during the life of the project (20 years) the applicant shall:

- assign an employee as the transportation coordinator, who will be responsible for coordinating and implementing the trip reduction program,
- post carpooling requests on a designated bulletin board to match potential carpooling participants,
- disseminate information to employees and customers regarding available transit services to and from the site,
- maintain a guaranteed ride home program for carpooling employees,
- provide an ongoing point of contact between the Cape Cod Commission and the Town of Barnstable with respect to future transportation initiatives.

T3. Prior to receiving a Certificate of Compliance, the applicant shall construct the access/egress consistent with findings T5 and T6 as shown on the Site Plan by Down Cape Engineering dated 4/18/00.

Conclusion

Based on the findings and conditions above, the Commission hereby concludes:

