



CAPE COD COMMISSION

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Date: March 15, 2001

To: Gladstone Limited Partnership
c/o Attorney Ed Taipale
297 North Street, Hyannis, MA 02601

From: Cape Cod Commission

Re: Modification of a Development of Regional Impact Decision, Cape Cod Commission Act,
Sections 12 and 13

Applicant: Gladstone Limited Partnership

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

Project #: #TR20004

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

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

This decision is written in accordance with a vote of the Regulatory Committee of the Cape Cod Commission taken on March 12, 2001, acting upon a request by the applicant for a Minor Modification #2 pursuant to its Administrative Regulations adopted 10/10/91 as amended 6/3/99. This decision hereby modifies the April 27, 2000 Development of Regional Impact (DRI) Decision issued for the Linens & Things retail store, pursuant to Sections 12 and 13 of the Cape Cod Commission Act, as follows:

By inserting the following language as Condition G7A:

“G7A. Prior to receiving a temporary Certificate of Occupancy from the Town of Barnstable, the applicant shall obtain a partial Certificate of Compliance from the Commission.”

By modifying the language from Condition G7 to read:

“G7. Prior to receiving a final Certificate of Occupancy from the Town of Barnstable, the applicant shall obtain a final Certificate of Compliance from the Commission. All conditions of this decision shall be met prior to the issuance of a partial Certificate of Compliance, unless otherwise specified herein.”

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By modifying the language from Condition G8 to read:

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

By inserting the following language in Condition CC1 to read:

“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 partial Certificate of Compliance. Any remaining painting and EIFS repairs shall be completed within 60 days of issuance of a partial Certificate of Compliance and shall be completed before a final Certificate of Compliance is received from the Commission”

By inserting the following language in Condition CC2 to read:

“CC2. If all required site work and/or landscape improvements are not complete at the time a partial 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. All landscaping shall be completed prior to issuance of a final Certificate of Compliance.”

By inserting the following language in Condition CC5 to read:

“CC5. Prior to issuance of a partial 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.”

By inserting the following language in Condition CC6 to read:

“CC6. Prior to issuance of a partial 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. Any modifications to the final lighting plan, dated April 7, 2000, shall be documented in an “as-built” plan, which the applicant shall submit prior to the issuance of a partial Certificate of Compliance.”

By modifying the following language in Condition T1 to read:

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

- The applicant shall contribute \$25,629.40 to the Town of Barnstable for the sole purpose of completing the construction of 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, alternatively the applicant shall provide a monetary commitment of \$15,400 to be held by the County of Barnstable in lieu of completion of a pedestrian connection to the existing Cape Cod Mall crosswalk at the easterly property line to partially comply with Minimum Performance Standard 4.1.2.1. These funds shall be held in an escrow account for 60 days from the date of the escrow agreement. If the pedestrian connection is not completed within 60 days of the escrow agreement, the funds will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design, promotion, or implementation of methods to reduce automobile travel.
- provide a bicycle rack on-site for storage of up to 10 bicycles,
- designate at least two parking spaces to serve ridesharing vehicles.”

By inserting the following language in Condition T2 to read:

“T2. To address the remaining trip reduction requirements, prior to receiving a partial 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.”

PROCEDURAL HISTORY

A letter from the proponent, Stuart Bornstein, Gladstone Limited Partnership, requesting a modification to the Linens & Things decision was received on February 12, 2001 and submitted to the Regulatory Committee of the Cape Cod Commission. The Regulatory Committee heard this matter on March 7, 2001. At this meeting, the Regulatory Committee voted unanimously to approve the request as a minor modification #2.

The Cape Cod Commission hereby grants this Modification to the Development of Regional Impact Decision dated April 27, 2000.



 David J. Ansel, Chair
 Regulatory Committee



 Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 15th day of March 2001.

Katharine L Peters
Name, Notary Public

My Commission expires:

