



CAPE COD COMMISSION

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Modification - Festival Mall Addition

DATE: September 17, 2001

TO: Attorney Patrick M. Butler, for the Estate of
James Campbell (owner)
Nutter, McClennen & Fish
P.O. Box 1630
Hyannis, MA 02601

FROM: Cape Cod Commission

RE: Modification of an Approved DRI Decision
Section 9(n) of Enabling Regulations

PROJECT: Festival Mall Addition DRI # TR-97033
Festival at Hyannis, Route 132, Hyannis, MA

LOT/PARCEL: Map 295 Parcels 19.x01 and 19.x02
Land Court Plan 24921-H (Lots 18 & 19)
Plan Book 392 Page 50 (Lots 3, 4, 5 and 6)
Certificate of Title # 121784

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Attorney Patrick M. Butler, acting on behalf of PetSmart a tenant at the Festival Mall in Hyannis, for a modification to an Approved Development of Regional Impact (DRI) decision under Section 9(n) of the *DRI Enabling Regulations*.

The change to the exterior sign is hereby approved as a minor modification #2 under Section 7 of the *Administrative Regulations* (as revised). This decision is rendered pursuant to a vote of the Commission's Regulatory Committee on September 17, 2001.

PROJECT DESCRIPTION, ISSUES & PROCEDURAL HISTORY

The project approved as a DRI by the Commission with conditions, in a decision dated May 7, 1998 was the construction of an 18,900 square foot free-standing



retail building located on a then-vacant parcel at the Festival at Hyannis shopping plaza, Route 132 in Hyannis, MA. A subsequent modification decision was issued on July 12, 1999 that increased the size of the proposed building from 18,900 to 19,310 square feet.

The Commission received a request on September 7, 2001 from Attorney Butler, on behalf of PetSmart, tenant of the proposed building, to allow the exterior sign on the building to be internally illuminated. Condition #10 of the original DRI decision stipulated that any signs had to be externally illuminated.

On September 17, 2001, Attorney Butler attended a Regulatory Committee meeting where this project was discussed.

DISCUSSION AT THE REGULATORY COMMITTEE MEETING

No comments from the public were received at the September 17, 2001 Regulatory Committee meeting on this project. Attorney Butler described the proposed modification, and Commission staff presented a report.

The Commission's Regulatory Committee considered the change to the original DRI Decision that would result from allowing an internally-illuminated sign, and voted unanimously to consider this change a minor modification #2.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter requesting modification with attachments 9/7/01

B. Materials submitted by Cape Cod Commission:

Memo, to Regulatory Committee 9/11/01

Note: No written materials or verbal comments were submitted on this modification request by State officials, Town officials or the Public.

The information and notice of the public hearings relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and meetings and all submissions received in the course of the original DRI proceedings, including materials submitted on file TR-97033 and the subsequent modification decision of July, 1999 are incorporated into the record by reference.

JURISDICTION

The proposed change to the exterior sign of the Festival Mall Addition project qualifies as a modification to an approved DRI decision under Section 9(n) of the *DRI Enabling Regulations*.

DETERMINATION OF THE REGULATORY COMMITTEE

The Commission's Regulatory Committee determined that the proposed change to the exterior sign at the Festival Mall Addition project qualified as a minor modification type #2 because the shopping plaza and the other tenants did not undergo Commission review, the other plaza tenants have internally-illuminated signs, the sign on the building in question faces into the plaza and not Route 132, and the building has only one exterior sign.

David J. Ansel
David J. Ansel
Chair, Regulatory Committee

10/1/01
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 1st day of October, 2001, before me personally appeared David Ansel, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Katharine L. Peters
Notary Public, Commonwealth of Massachusetts

My Commission expires:

