



CAPE COD COMMISSION

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Date: June 10, 2002

To: Michael D. Ford, Esq.
P.O. Box 665
West Harwich, MA 02671

From: Cape Cod Commission

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

Applicant: The Stop & Shop Supermarket Company and Cape Cotuit Center, LLC
c/o Atlantic Retail Properties
71 2nd Avenue
Waltham, MA 02154

Project #: JR99013

Project: Cotuit Landing Redevelopment and Expansion
Route 28, Falmouth Road, Barnstable, Massachusetts

Book/Page: Parcel 2, 3, and 4: Cape Cotuit Center, LLC
Book 10805, Page 177

Parcel 6: Cape Cotuit Center, LLC
Lot 12-B on Plan Book 475, Page 4
Book 10805, Page 177

Certificate #: Parcels 1, 5, and 7: Cape Cotuit Center, LLC
L.C. 22824-J, Lots 112, 114 and 115
Certificate of Title 144821

Parcel 8: EDT Cotuit, LLC
Book 13230, Page 58 and
Book 12107, Page 258 and
Book 10805, Page 177

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

The June 21, 2001 DRI Decision issued for the Cotuit Landing Redevelopment and Expansion project and modifications dated February 19, 2002 and March 18, 2002 are hereby amended as a Minor Modification # 2 by a vote of the Regulatory Committee on June 10, 2002. All conditions attached to the June 21, 2001 decision, the February 19, 2002 modification and the March 18, 2002 modification continue to apply except as modified herein.



CONDITIONS

Condition G7 is hereby modified as follows:

G7. The proposed Cotuit Landing Redevelopment and Expansion project shall be constructed in accordance with the following final plans:

	Dated	Revised Date	Mod. Approved
• Layout and Materials Plan, C5	11/30/00	02/20/01	
• Grading and Drainage Plan, C6	11/30/00	05/09/01	
• Utilities Plan, C7	11/30/00	05/09/01	
• Site Electrical Plan, SE-1	11/30/00	05/09/01	
• Landscape Plan, C8	11/30/00	05/15/01	
• Median Planting Plan, L-1	01/26/01	02/22/01	
• Open Space Plan	05/15/01		
• Elevations and Plans:			
Stop & Shop/Retail A, EL1	03/22/01		
Retail B, C, D, E, EL2	04/13/01		
Stop & Shop, EL3	11/23/00		
Retail, EL4	11/23/00		
Stop & Shop, F1	05/15/01		
Wastewater Treatment Shed, 1	03/27/01		
• Cotuit Liquors – Proposed Cooler	11/29/01		2/19/02
• Garden Center Plan	undated		2/19/02
• Elevations and Plans:			
Retail Bldg. A – Plans, Elevations & Details, A.A-1	3/01/01	9/19/01	2/12/02
Retail Bldg. A – Sections & Details, A.A-2	5/21/01	9/19/01	2/12/02
Retail Bldg. A – Refl. Clg. Plan & Details, A.A-3	3/01/01	9/19/01	2/12/02
Retail Bldg. B – Elevations, B.A-1	7/01/01		2/12/02
Retail Bldg. H – Plan, Elevations & Details, H.A-1	3/01/01	9/19/01	2/12/02
Retail Bldg. H – Sections & Details, H.A-2	5/21/01	9/19/01	2/12/02
Retail Bldg. H – Refl. Clg. Plan & Details, H.A-3	3/01/01	9/19/01	2/12/02
Retail Bldg. H – Roof Plan & Details, H.A-4	3/01/01	9/19/01	2/12/02
Retail Bldg. D – Elevations & Roof Plan, D.A-1	3/29/02		
Retail Bldg. E – Floor Plan, Elevations, Schedule & Details E.A-1	4/04/02	6/10/02	

HPCC4. If all required exterior lighting, site work, irrigation, other landscape improvements, **work associated with the demolition of the existing liquor store, and/or incomplete portions of Retail Buildings D and E** are not complete at the time a partial Certificate of Compliance for Phase II 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 agreement may allow for partial release of escrow funds upon partial completion of work. The **check** 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 site, **demolition, construction** and landscape work shall be completed prior to issuance of a final Certificate of Compliance.

The amount of funds to be placed in escrow for Retail Buildings D, E, and the demolition work shall be based on the Schedule of Values from the Construction Contract. Further, the applicant shall pay for the services of an outside consultant to review information supporting the proposed escrow amount and to inspect the site, up to \$1,000, if deemed necessary by Cape Cod Commission staff.

The applicant shall install an irrigation system for all on-site landscaped areas and the Route 28 median islands. The applicant shall provide a revised draft maintenance contract for Cape Cod Commission staff approval prior to obtaining a building permit. After approval by Cape Cod Commission staff, 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 prior to the issuance of a partial Certificate of Compliance for Phase 2.

Tom Broidrick for
David Ansel, Chairman

6/27/02
Date

Commonwealth of Massachusetts
County of Barnstable

On this 27th day of JUNE, 2002, before me personally appeared TOM BROIDRICK 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.

Dorr Steven Fox
Notary
Commonwealth of Massachusetts

My Commission Expires:

