



# CAPE COD COMMISSION

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Date: April 26, 2004

Applicant: Paul Bishins  
William Street Corporation  
100 North Front Street  
New Bedford, MA 02740

Re: Change of Use Determination

Project: 500 Block - Hyannis

Project #: CU-04006

Land Court Certificate #: 127869                      Plan(s): 27, 28, 29, 30

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, has determined that the project as proposed by William Street Corp. which is described as the proposed interior renovation of the 500 Block building on Main Street, Hyannis, MA, does not warrant further review by the Commission. This decision is rendered subject to Section 3(f)(1) and 3(f)(2) of the *Enabling Regulations*. This decision is rendered pursuant to a vote of the Regulatory Committee on April 26, 2004.

### PROJECT DESCRIPTION

The project under consideration by the Regulatory Committee was the interior renovation of a portion of a property at 500 Main Street, Hyannis in Barnstable. It is an existing structure of approximately 39,500 total square feet which had and will continue to have multiple occupants. The site is supplied by sewer.

Of the 39,500 total square feet, the applicant proposed to retrofit approximately 14,500 square feet of interior space on two stories to accommodate offices for the Massachusetts Department of Social Services.

A portion of the 14,500 square feet (about 3,825 square feet) was formerly occupied until January, 2004 by a restaurant (Spiritus Pizza). The rest of the space being



converted for the DSS office was vacant at the time the Regulatory Committee held the public hearing, but was occupied by a church and an Antique Co-Op. The remainder of the building was occupied by existing retailers.

### PROCEDURAL HISTORY

On March 8, 2004, Commission staff met informally with Town of Barnstable staff and the applicant to discuss the project. On March 19, 2004, the applicant filed a Change of Use application with the Commission. On April 8, 2004, Commission and Town of Barnstable staff met formally to discuss the project. On April 21, 2004, the Commission staff determined that the application was substantially complete to proceed to a public hearing. The Regulatory Committee held the public hearing on this project on April 26, 2004.

#### Materials Submitted for the Record

##### ***Applicant***

Cover Letter	3/19/04
Change of Use Application and its Attachment A	3/19/04
Quit-claim Deed (part of Change of Use Application)	
Change of Use Fee (part of Application)	
Site Plans (large set and reduced size) (part of Application)	
Certified Abutters List	3/30/04
Letter concerning economic development	4/5/04
Uncertified Abutters List	

##### ***Cape Cod Commission***

Fax Cover Sheet – Labels sheet to Kevin Shea	3/8/04
Copy of E-mail concerning economic development	3/30/04
Letter – Proceed at your risk	4/13/04
Memo – Glenn Cannon – Transportation issues	4/15/04
Copy of E-mail concerning completeness of application	4/20/04
Staff Report	4/21/04
Fax Cover Sheet – Staff Report to applicant	4/21/04
Letter – Stuart Bornstein – Copy of Staff Report	4/21/04
Letter – William Street Corp. – Application complete	4/21/04
Copy of Sections of <i>Enabling Regulations</i>	
Hearing Notice	
Agenda – Regulatory Committee (for 4/26/04)	

##### ***Town of Barnstable and Other Public Entities***

Letter – Barnstable Planning Director – Historic	4/7/04
Letter – Barnstable Planning Director – General comments	4/12/04
Letter – Executive Office of Health and Human Services – Comments on hazardous materials and waste management	4/23/04

**General Public**

No written materials were submitted for the record

The application and notices of public hearings relative thereto, the staff reports, exhibits and correspondence, the transcript and minutes of hearings, and all written submissions received in the course of our proceedings including materials submitted with file CU-04006 are incorporated into the record by reference.

**JURISDICTION**

The proposed project is subject to review by the Commission, through the Regulatory Committee, based on Sections 3(f) and 4(b) of the *Enabling Regulations* (as revised September, 2002).

**TESTIMONY**

The Regulatory Committee of the Cape Cod Commission held a public hearing beginning at 9:30 AM on Monday, April 26, 2004 at the Commission's office at 3225 Main Street in Barnstable MA.

Mr. Ansel opened the hearing at 10:25 AM. Mr. Platt read the hearing notice.

Ms. Adams presented the Commission staff report. She stated that the staff has recommended that the project should not require further Commission review. However, the staff has requested that additional information should be required for water resources and historic preservation.

Attorney Harvey Mickelson, attorney for the applicant, stated that they are requesting approval of the project. They will submit the information on water resources at a later time.

Mr. Kevin Shea, Director of the Barnstable Office of Community and Economic Development, stated that he supports the proposal for reuse of the building. He explained that the project fits well into the economic development scheme for the Hyannis downtown area.

Mr. Harold Sachs, proprietor of Diamond Perfections store, stated his support for the project.

Mr. Cole inquired how the rehab of a building could affect storm-water runoff. Ms. Adams responded that there may be changes to the parking lot. Mr. Mickelson stated that they believe there are no changes and no problems.

Mr. Broidrick inquired about changes to the exterior of the building. Ms. Adams responded that the Commission staff is still waiting for information from the Historic Commission. The Regulatory Committee decided not to take this issue under consideration.

Ms. Kadar moved to close the hearing at 10:45 AM. Mr. Broidrick seconded the motion and it was unanimously approved.

Mr. Broidrick moved to allow the project to proceed without further DRI review. Ms. Kadar seconded the motion and it was unanimously approved.

**FINDINGS**

The Commission, through the Regulatory Committee, has considered the Change of Use application of the William Street Corp. for the proposed Department of Social Services office project to be located in the 500 Block building on Main Street in Hyannis, MA.

Based upon consideration of such application, and information presented at the public hearing and submitted for the record, the Commission, through the Regulatory Committee, found that the project qualified for no further Commission review because the overall impacts of the proposed project were found to be not more detrimental than those of the immediately prior use.

**CONCLUSION**

Based upon the above finding, the Regulatory Committee concluded that as proposed, the project may proceed without Development of Regional Impact review.

David J. Ansel  
David Ansel, Chair, Regulatory Committee

4/27/04  
Date

**Commonwealth of Massachusetts  
Barnstable, ss.**

On this 29<sup>th</sup> day of April, 2004, before me, the undersigned notary public, personally appeared David J. Ansel, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Dorr Steven Fox  
Notary Public  
Commonwealth of Massachusetts

