



# CAPE COD COMMISSION

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DATE: January 20, 2004  
TO: Attorney Patrick Butler  
Nutter, McClennen and Fish, LLP  
1513 Iyannough Road  
Hyannis, MA 02601  
FROM: Cape Cod Commission  
RE: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13  
APPLICANT: Morris Tarkinow  
The Tarkinow Group, Ltd.  
PROJECT #: TR20031  
PROJECT: BJ's Wholesale Club  
Hadaway Road  
Hyannis, MA

LOT/PLAN: Lots 7 & 8 on Plan recorded with Barnstable County Registry of Deeds in Plan Book 547, Page 1. See also Deed in Book 5041/Page 284.

## MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the April 10, 2003 DRI Decision issued for the BJ's Wholesale Club project is hereby amended as a Minor Modification #1. All findings and conditions attached to the original decision dated April 10, 2003 continue to apply except as modified herein.

### FINDINGS

**Finding WR1 is hereby modified as follows:**

WR1. The project consists of 68,831 square feet of retail space proposed for a 15.8 acre site, with ~~182,064~~ 174,474 s.f. of impervious pavement, ~~68,831~~ 77,974 s.f. of roof area and 121,639 s.f. of landscaped area. These sources will contribute approximately 64 kg-N of nitrogen to groundwater beneath the site per year.

**Finding CC4 is hereby modified as follows:**

CC4. MPS 6.2.1 requires that no new development shall include a single structure which has a footprint greater than 50,000 square feet unless it can be demonstrated through



design of the building and vegetative or other screening methods that the project will not have adverse visual impacts on the community. MPS 6.2.2 requires that in all cases where new buildings are proposed, 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 proposed building has a footprint of ~~68,800~~ 69,772 s.f., greater than the 50,000 s.f. cited in the standard. To address this standard, the applicant has proposed arcades at the exterior corners of the building and at the building entrance, a 10-foot setback on the front facade of the building, as well as variation in both building materials and colors on all facades. These design features help to reduce the apparent height and mass of the building by drawing the eye downward and by providing variety to the building's facades, which otherwise are characterized by unvaried wall heights and 200 to 300 foot-long facades with little setback or projection in the building wall.

**Finding CC7 is hereby modified as follows:**

CC7. MPS 6.2.10 requires that parking be provided to the side and rear of a building. The project provides ~~361~~ 351 parking spaces, with the majority located in an area to the west of the building and to the rear of the building. A smaller parking area is located at the east side of the building outside the tire center. The location of parking on the site meets this standard.

**CONDITIONS**

**Condition G5 is hereby modified as follows:**

G5. The proposed BJ's Wholesale Club shall be constructed in accordance with the following final plans:

- Layout & Materials, Building & Grading & Drainage, Utility Plans, and Site Details SD-1-SD-7 dated ~~4/4/03~~ 10/6/03.
- Landscape and Planting Plans prepared by Coastal Engineering and Abbellire dated 3/7/03.
- Building Elevations prepared by Bignell Watkins Hasser dated ~~2/7/01~~ 03 (stamped received 4/4/03).
- Conceptual Plan Raised Floor Drain System and Roof Plan dated 1/8/03.

**Condition WR1 is hereby modified as follows:**

WR1. The applicant shall limit landscaped area to 121,639 s.f., and limit the creation of impervious surface of ~~182,064~~ 174,474 s.f. of impervious pavement and ~~68,831~~ 77,974 s.f. of roof area, as noted on the nitrogen-loading calculations submitted to the Commission ~~and dated February 7, 2001;~~ **Layout & Materials Plan SD-2, revised 10-6-03; and the accompanying affidavit dated 12/19/03.** Construction of additional impervious surface and/or landscaped areas is subject to approval by the Commission.

**Condition NROS1 is hereby modified as follows:**

NROS1. In accordance with NROS Finding 3, prior to the issuance a preliminary Certificate of Compliance, the applicant shall donate to the Town of Barnstable, a 2.75 acre parcel of land off of Old Neck Lane in Barnstable (as shown on Barnstable Assessors Map 235, parcels 11 and 12) **either to the Town of Barnstable** to be held under the care, custody, and control of the Conservation Commission, **or to the Barnstable Land Trust**. Commission Counsel shall approve the form and content of the deed prior to recording. The applicant shall also contribute \$113,692 (\$1.50 per sq. ft. x 1.74 acres) to the Barnstable County Treasury for the Barnstable Land Bank fund for open space acquisition prior to the issuance of a preliminary Certificate of Compliance.

David J Ansel  
David Ansel, Chair

1/20/04  
Date

Commonwealth of Massachusetts  
County of Barnstable

On this 20<sup>th</sup> day of January, 2004, 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.

Dorr Steven Fox

Notary  
Commonwealth of Massachusetts

My Commission Expires: \_\_\_\_\_

