



# CAPE COD COMMISSION

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DATE: June 7, 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.

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## 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 #2. All findings and conditions attached to the original decision dated April 10, 2003 continue to apply except as modified herein.

Condition T4 is hereby modified as follows:

T4. The applicant shall implement the following congestion mitigation improvements within the Town of Barnstable:

BJ's Wholesale Club/TR20031  
Minor Modification #2  
June 6, 2004



Route 132 and Hadaway Road (Old Route 132) —Prior to the issuance of a final Certificate of Compliance for the proposed BJ's Wholesale Club, the project applicant shall prepare a functional design report and design plans, including 25%, 75% and 100% plans, specifications, and estimates and install a traffic signal at this location. The design plans (25%, 75% and 100%) are subject to approval by the CCC and the Town of Barnstable. The construction improvements are shown on the Conceptual Improvement Plan Route 132 at Hadaway Road dated 8/01/02 by Vanasse Associates, Inc. The concept plan shall be revised to show ornamental mast arms or ornamental posts and signal heads on all approaches. **The applicant shall pay \$190,000 to Barnstable County to be used by the Town of Barnstable to complete design plans for Route 132 improvements. These funds shall be paid either by July 7, 2004 (if a building permit has been issued) or upon receipt of a building permit.**

Phinney's Lane at Hadaway Road - Review the traffic signal plan three years after the store's opening to analyze traffic signal operations. If after three years of the store's opening, the traffic signal timing and phasing plan is not operating adequately, the applicant shall provide and implement a traffic signal timing and phasing plan as directed by the Cape Cod Commission and/or the Town of Barnstable. **The applicant shall pay \$5000 to Barnstable County to be used by the Town of Barnstable to complete design plans for Route 132 improvements. These funds shall be paid either by July 7, 2004 (if a building permit has been issued) or upon receipt of a building permit.**

Independence Drive at Attuck's Lane - Review the traffic signal plan three years after the store's opening to analyze traffic signal operations. If after three years of the store's opening, the traffic signal timing and phasing plan is not operating adequately, the applicant shall provide and implement a traffic signal timing and phasing plan as directed by the Cape Cod Commission and/or the Town of Barnstable. **The applicant shall pay \$5000 to Barnstable County to be used by the Town of Barnstable to complete design plans for Route 132 improvements. These funds shall be paid either by July 7, 2004 (if a building permit has been issued) or upon receipt of a building permit.**

If any other parties (public or private), prior to BJ's constructing mitigation at these locations, construct traffic improvements or traffic mitigation at any of these locations that makes BJ's proposed mitigation unnecessary or impractical, BJ's shall pay an amount equivalent to that proposed mitigation cost at those locations to the County of Barnstable/Cape Cod Commission. Such payments in lieu of in-kind traffic mitigation are necessary to comply with MPS 4.1.1.1 and shall be used to support transportation improvements in the Town of Barnstable.

David J. Ansel  
David Ansel, Chair

6/24/04  
Date

Commonwealth of Massachusetts

County of Barnstable

On this 25<sup>th</sup> day of JUNE, 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)(she) signed it voluntarily for its stated purpose.

Dorr Steven Fox  
Notary Public  
Commonwealth of Massachusetts

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

