



# CAPE COD COMMISSION

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Date: December 12, 2005

To: Mr. Myer Singer, Esq.  
Singer and Singer, LLC  
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From: Cape Cod Commission

RE: Modification of the Development of Regional Impact Decision dated  
February 3, 2005  
Cape Cod Commission Act, Sections 12 & 13

Applicant: W.J.G. Realty Trust  
1385 Hancock Street  
Quincy, MA 02169

Project #: TR #20074

Project: Harwich Commons Redevelopment  
East Harwich, Massachusetts

Book/Page: 10368/151  
Certificate #: #126299  
Lot/Plan: 68/39774-H; C/277/88; 387/66

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## **MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION**

The Development of Regional Impact decision dated February 3, 2005 for the Harwich Commons Redevelopment project is hereby amended by a vote of the Regulatory Committee on December 12, 2005. All conditions attached to the original decision dated February 3, 2005 continue to apply except as modified herein.

Modification to DRI Decision TR#20074  
W.J.G. Realty Trust—Harwich Commons Redevelopment  
December 12, 2005

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**Condition C-G8 is hereby modified as follows:**

**C-G8.** Prior to receiving a temporary Certificate of Occupancy for the expanded northwest elevation of the Super Stop & Shop building (construction associated with Building Permit #1) from the Town of Harwich, the Applicant shall obtain a Partial Certificate of Compliance #1 from the Commission. The Applicant shall not seek nor may the Commission grant a Partial Certificate of Compliance #1 until such time that the existing utility poles associated with the reconstruction of the Route 39/Queen Anne Road roundabout have been relocated (so that, in the opinion of the Commission transportation staff, they do not pose a safety hazard for the intersection during the time prior to the completion of the roundabout).

**Condition C-T2 is hereby modified as follows:**

**C-T2.** Prior to the issuance of a Partial Certificate of Compliance #1 the Applicant shall implement the safety and congestion mitigation items #2 and #3 in accordance with the mitigation table in Condition C-T1 on page 25 of the original DRI Decision TR#20074, W.J.G. Realty Trust—Harwich Commons Redevelopment, dated February 3, 2005. Should all work required under this condition not be completed prior to the time that the applicant seeks Partial Certificate of Compliance #1 from the Commission, the applicant shall place 150% of the estimated cost of completing this work, including labor and materials, in an escrow account with Barnstable County/Cape Cod Commission. The terms and amount of the escrow agreement shall be subject to Cape Cod Commission approval. The escrow agreement may allow for partial release of the escrow funds upon partial completion of work. The check shall be payable to the Barnstable County Treasurer with the work approved by the Commission staff prior to release of the escrow funds. The Applicant shall complete the safety and congestion mitigation items #2 and #3 and have Commission staff inspect those mitigation items for their consideration of approval within six months of the Commission's issuance of the Partial Certificate of Compliance #1.

**Condition C-T6 is hereby modified as follows:**

**C-T6.** In accordance with Finding F-T6, prior to the issuance of a Partial Certificate of Compliance #1, the Applicant shall trim vegetation in the vicinity of the Route 39/ Depot Road intersection to improve the sight distance to AASHTO standards; particular attention should be given to the Route 39 eastbound approach to the intersection. Should all work required under this condition not be completed prior to the time that the applicant seeks Partial Certificate of Compliance #1 from the Commission, the applicant shall place 150% of the estimated cost of completing this work, including labor and materials, in an escrow with Barnstable County/Cape Cod Commission. The terms and amount of the escrow agreement shall be subject to Cape Cod Commission approval. The escrow agreement may allow for partial release of the escrow funds upon partial completion of work. The check shall be payable to the Barnstable County Treasurer with the work approved by the Commission staff prior to release of the escrow funds. The Applicant shall complete the work required by this condition and have Commission staff

inspect that work for their consideration of approval within six months of the Commission's issuance of the Partial Certificate of Compliance #1.

Jay Zavala, Vice Chair of the Regulatory Committee for

  
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Frank Hogan  
Chair, Regulatory Committee of the  
Cape Cod Commission

4/3/06  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

4/3, 2006

Before me, the undersigned notary public, personally appeared J. Zavala in his/her capacity as Chairman of the Regulatory Committee of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness, or  personal knowledge of the undersigned.

  
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Notary Public  
My Commission Expires:

