



# CAPE COD COMMISSION

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Date: April 5, 2006

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, as modified December 12, 2005  
Cape Cod Commission Act, Sections 12 & 13

Applicant: WJG 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, as modified on December 12, 2005, for the Harwich Commons Redevelopment project is hereby further amended by an action of the Executive Director of the Cape Cod Commission. All conditions attached to the original decision dated February 3, 2005, as modified December 12, 2005, continue to apply except as modified herein.

Modification to DRI Decision TR#20074  
WJG Realty Trust—Harwich Commons Redevelopment  
April 5, 2006  
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**Condition C-G1 on page 21 of the original DRI Decision TR#20074, WJG Realty Trust—Harwich Commons Redevelopment, dated February 3, 2005, as modified December 12, 2005, is hereby stricken and replaced with the following:**

- C-CG1. The proposed Harwich Commons redevelopment project shall be constructed in accordance with the following final plans:
1. Building elevations: Super Stop & Shop Elevations and Section prepared by Arrowstreet Architects, dated January 28, 2005, received February 3, 2005, and to be finalized in accordance with Condition C-CC1 herein;
  2. Roof Plan for Super Stop & Shop, Harwich Commons, prepared by Arrowstreet Architects dated January 14, 2005 and received February 3, 2005;
  3. Floor Plan for New Construction of Stop & Shop Retail Building, Long Pond Road/Rt 137, Harwich, MA (sheet A1), prepared by Landry Architects, dated May 6, 2005 and dated received by the Commission on March 29, 2006;
  4. Exterior Building Elevations for New Construction of Stop & Shop Retail Building, Long Pond Road/Rt 137, Harwich, MA (sheet A2), prepared by Landry Architects, dated May 6, 2005 and dated received by the Commission on March 29, 2006;
  5. Roof Plan for New Construction of Stop & Shop Retail Building, Long Pond Road/Rt 137, Harwich, MA (sheet A3), prepared by Landry Architects, dated May 6, 2005 and dated received by the Commission on March 29, 2006;
  6. Figure 3, Super Stop & Shop at Harwich Commons, Open Space Restrictions, dated August 11, 2003 as revised December 10, 2004, prepared by VHB;
  7. Site Plans for Proposed Retail at Harwich Commons, Harwich, MA, prepared by VHB, dated November 13, 2001 as revised January 14, 2005 (drawing numbers C-1, C-2, C-3, C-4, C-5, C-7, C-8, C-9, C-10 and SE-1 on sheets 1-5 and sheets 7-10 of 10);
  8. Final Landscape Plan for Proposed Retail at Harwich Commons, Harwich, MA (drawing number C-6 on sheet 6 of 10), prepared by VHB, dated May 12, 2005 with final issue date of April 4, 2006;
  9. Lighting Proposal for Stop & Shop, Harwich, MA, prepared by LSI Industries, dated October 21, 2004, sheet 1 of 1; and,
  10. Building Permit Phasing Plan for Super Stop & Shop, East Harwich, dated January 27, 2005, prepared by Stop & Shop.

The above referenced plans do not reflect the approved location of the control and chemical storage building (known as the Bioclere Control Building) associated with the wastewater treatment system that is located on the south facing side of the Super Stop & Shop building. This Bioclere Control Building is to be located approximately 39 feet back from the finished front façade of the supermarket, as shown on the plan entitled *Revision Sketch to Modify Proposed WWTP Control Room Location* (sheet SK-1), prepared by Coastal Engineering Company, Inc., dated November 21, 2005, and dated received by the Commission on December 5, 2005. This condition does not approve the proposed access drive to the Bioclere Control Building as is shown on sheet SK-1, as noted above.

**Condition C-G9 on page 22 of the original DRI Decision TR#20074, WJG Realty Trust—Harwich Commons Redevelopment, dated February 3, 2005, as modified December 12, 2005, is hereby stricken and replaced with the following:**

- C-G9.** Prior to receiving the Partial Certificate of Compliance #1 from the Commission, the exterior structure of Retail A shall be constructed according to the following plans:
- Exterior Building Elevations for New Construction of Stop & Shop Retail Building, Long Pond Road/Rt 137, Harwich, MA (sheet A2), prepared by Landry Architects, dated May 6, 2005 and dated received by the Commission on March 29, 2006; and
  - Roof Plan for New Construction of Stop & Shop Retail Building, Long Pond Road/Rt 137, Harwich, MA (sheet A3), prepared by Landry Architects, dated May 6, 2005 and dated received by the Commission on March 29, 2006.

**Condition C-HM4 on page 27 of the original DRI Decision TR#20074, WJG Realty Trust—Harwich Commons Redevelopment, dated February 3, 2005, as modified December 12, 2005, is hereby stricken and replaced with the following:**

- C-HM4.** Any hazardous waste generated during demolition, building renovation or construction activities shall be removed from the site by a licensed, permitted hazardous waste transporter. The Applicant shall also implement a program to recycle used fluorescent bulbs at both the Super Stop & Shop and Retail A. Prior to issuance of the Final Certificate of Compliance, the Applicant shall submit to the Commission for staff review and approval evidence of a contract or contracts to recycle used fluorescent bulbs that covers both the supermarket and Retail A. Prior to issuance of the Final Certificate of Compliance, Commission staff shall conduct an inspection of the fluorescent bulb storage area(s) for bulbs used at both the Super Stop & Shop and Retail A to insure they are consistent with the requirements of 310 CMR 30.1000.

**Condition C-CC8 on page 28 of the original DRI Decision TR#20074, WJG Realty Trust—Harwich Commons Redevelopment, dated February 3, 2005, as modified December 12, 2005, is hereby stricken and replaced with the following:**

- C-CC8.** Prior to issuance of the Final Certificate of Compliance, Commission staff shall conduct an in-the-field verification of the exterior lighting design and foot-candle levels to insure consistency with this Decision and Technical Bulletin 95-001 (as amended). Should any part of the exterior lighting design be found to be inconsistent with this Decision or Technical Bulletin 95-001, the Applicant shall adjust or replace fixtures or other components as needed prior to issuance of the Final Certificate of Compliance.

Margo L. Fenn

Margo L. Fenn  
Executive Director  
Cape Cod Commission

4/6/06  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April 6, 2006

Before me, the undersigned notary public, personally appeared Margo L. Fenn, 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.

Gail A. Coyne  
Notary Public  
My Commission Expires:

