



CAPE COD COMMISSION

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Date: April 30, 2007

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Cape Cod Cooperative Bank
P.O. Box 310
Yarmouthport, MA 02675-0310

Project: Cape Cod Cooperative Bank Operations Center
Ben Franklin Way
Hyannis, MA 02601

Project #: HDEX # 05018

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 Book 11462 Page 88

Background

The above referenced project, the Cape Cod Cooperative Bank Operations Center was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on February 9, 2006.

This project is located in several sensitive water resource areas according to the 2002 (revised) Regional Policy Plan (RPP), including a Wellhead Protection Area. Findings in the approved DRI decision note this, and that during the Commission's review, the applicant did not account for hazardous wastes generated from the site – by the Bank and tenants - once the facility would be in operation.

Commission review of past projects indicates the site will generate hazardous wastes such as fluorescent bulbs, used computers and cathode ray tubes, regardless of the final tenancy. Because of this, condition HM1 required that prior to the issuance by the Commission of a Final Certificate of Compliance, the applicant was to submit for review and approval by Commission staff copies of site leases to ensure their consistency with the requirements and limitations of MPS 4.3.1.3 of the 2002 (revised) RPP.



In an April 27, 2007 letter to Greg Smith, the Commission's project manager, Mr. Joel G. Crowell, the Bank President, indicates that the Bank has "*not signed up any tenant for the rental space.*" The letter also acknowledges that when the Bank does, it "*will supply a copy of the proposed lease to [Commission staff] to undertake a review of the use the tenant wishes.*"

Regional Policy Plan MPS 4.3.1.1 requires that development and redevelopment shall make reasonable efforts to minimize their hazardous material use and/or waste generation. Applicants are also required to submit a plan to demonstrate how their project will achieve conformance with this standard. The project's final tenants were not known at the time the DRI decision was issued. To be consistent with MPS 4.3.1.1, the condition HM3 required that the applicant develop a plan to minimize the site's hazardous material use and to address waste generation. Based on the April 27, 2007 letter from Mr. Crowell, as the only occupant of the site at this time is the Bank, it is expected to utilize gasoline, motor oil, batteries and fluorescent lamps on site, and to generate used motor oil, batteries and outdated computer monitors and computers.

Determination

The Chief Regulatory Officer of the Cape Cod Commission has determined that a revision to the conditions of the original decision have a separate Final Certificate of Compliance from the Commission prior to occupancy of the site by the Bank, and prior to occupancy by each of the tenants of the rental space(s) by one or more tenants constitutes *de minimus* change and is approved as Type 1 Minor Modification. The following changes shall be made to the conditions of the original DRI decision.

Changes to Original Decision

- GC8** Prior to receiving a **separate** temporary or Final Certificate of Occupancy from the Town of Barnstable **for the Bank and for each tenant space**, the Applicant shall obtain a Final Certificate of Compliance from the Commission **for the Bank and for each tenant space**.
- HM1** Prior to the issuance by the Commission of a Final Certificate of Compliance **for each tenant space**, the Applicant shall submit for review and approval by Commission staff copies of site leases **for the rental/leased space** to ensure their consistency with the requirements and limitations of MPS 4.3.1.3 of the 2002 (revised) RPP. Unless and until the Commission staff issues a written approval of site leases (which said approval shall not be unreasonably withheld), no Final Certificate of Compliance may be issued **for each tenant/rental space**.
- HM3** Prior to issuance of a Certificate of Use/Occupancy, and prior to issuance by the Commission of a Final Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff a copy of a plan to address proper hazardous waste generation/disposal once the site is in operation **relative to the Bank and relative to each tenant/rental space**, to ensure consistency with the

requirements of MPS 4.3.1.1 of the 2002 (revised) RPP and Technical Bulletin 03-001. Unless and until the Commission staff issues a written approval of said plan **or plans** (which said approval shall not be unreasonably withheld), no Final Certificate of Compliance may be issued **for the Bank, or for each tenant/rental space.**

Dore Fox
Chief Regulatory Officer

5/2/07
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

5/2, 2007

Before me, the undersigned notary public, personally appeared

Dore Fox

in his capacity as Chief Regulatory Officer of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission expires: 10/13/11