



CAPE COD COMMISSION

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Date: November 6, 2007

To: Kathy Zagzebski, President & Executive Director

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact
Project of Community Benefit Hardship Exemption

Applicant: National Marine Life Center

Project: National Marine Life Center
120 Main Street
Buzzards Bay, MA

Project #: HDEX # 05018

Book/Page: Lot 2, Town of Bourne Barnstable Registry, Map 23 Book 2655, page 259; Lots 179, 180, 181, former Penn Central Lot Town of Bourne Barnstable Registry, Map 23.3 Book 2655, page 259; U.S. Army Corp of Engineers Map 16, Parcel 15 1/97, Book 453, Page 287

Background

The above referenced project, the National Marine Life Center was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on November 17, 2005. The project was approved as a Project of Community Benefit (POCB) Hardship Exemption. On April 26, 2006, the Commission's Executive Director granted the National Marine Life Center (Center) a Minor Modification Type #1 for three minor and related changes to the project's construction sequencing, to the installation of the seawater intake and discharge pipes, and to accommodate two minor changes to a previously-proposed utility building.

On October 28, 2007, Kathy Zagzebski, the Center's President and Executive Director, met with Commission staff to describe proposed changes to the utility building's design. These modifications involve changing from a flat to a pitched roof with architectural shingles, and changing from previously approved metal siding to a wood framed building with *Hardiplank*® cement fiber clapboard siding. These requested changes



were also described in a follow-up E-mail received by Commission staff on October 11, 2007.

Determination

The Executive Director of the Cape Cod Commission has determined that revisions to the findings and conditions of the original decision, as modified in April 2006, to accommodate the further changes to the utility building as described above constitute *de minimus* changes, and are approved as Type 1 Minor Modifications.

The following changes shall be made to the findings and conditions of the original POCB Hardship Exemption decision, as amended in April 2006, to reflect the requested changes to the utility building as described above.

Changes to Original Decision

General Findings:

G.3 Phase One of the Project will be built in accordance with the following plans:

- Site Design Plans, sheets C 2.0 and C 3.0, prepared by Tibbetts Engineering, dated 3/13/06, received by the Commission on April 14, 2006
- Intake Structure Location Plan, sheet A-100, prepared by Chermayoff & Poole, Inc., dated 3/1/06, received by the Commission on April 14, 2006
- β ~~Exterior Elevations, sheet A-200, prepared by Chermayoff & Poole, Inc., dated 8/3/05, received by the Commission on April 14, 2006~~
- National Marine Life Center Rehabilitation Facility, Buzzards Bay, MA. New Intake Structure/Utility Bldg., Site Plans and Exterior Elevations, Sheets S-0 to S-7, prepared by Blue Ridge Design, Inc., packet cover sheet dated 5/15/07, and Sheet M.1, Building Mechanicals, prepared by Comfort Design, Inc., dated 10/9/07, received by the Commission on October 23, 2007

Phase Two of the Project will be built in accordance with the following plans, except as modified or replaced by those plans noted above for Phase One:

Existing Conditions site plans 1-6 prepared by Tibbetts Engineering, dated January 3, 2005; included development plans dated May 30, 2003 Utility Building Plans A1.6, Building Elevations A2.1, North-South Building Sections A2.3, Wall Sections A3.1, Life Support Legend LS0.1, Life Support Schedules LS0.2, Life Support Below Grade LS1.1, Life Support Lower Piping LS1.2, Life Support High Piping LS1.3, Site Plan A0.1; Sign Plan by Wendy Mellinger, dated May 30, 2003, of the architectural firm Chermeyeff, Sollogub and Poole Inc., Boston, MA.

Community Character Findings:

Historic Preservation /Building Design

CC.4 The small utility building 2,100 square feet on site is proposed to be a wood frame structure with a pitched roof and painted fiber cement siding painted a natural grey flat roofed and sided with metal panels, similar to portions of the main building. The Applicant will need to provide samples of the proposed metal siding materials to demonstrate that it has a neutral color and matte finish to reduce reflectivity are consistent with traditional regional building materials and colors.

General Conditions:

G.1 Phase One of the proposed Project shall be constructed in accordance with the following plans:

- Site Design Plans, sheets C 2.0 and C 3.0, prepared by Tibbetts Engineering, dated 3/13/06, received by the Commission on April 14, 2006
- Intake Structure Location Plan, sheet A-100, prepared by Chermayoff & Poole, Inc., dated 3/1/06, received by the Commission on April 14, 2006
- Exterior Elevations, sheet A-200, prepared by Chermayoff & Poole, Inc., dated 8/3/05, received by the Commission on April 14, 2006
- National Marine Life Center Rehabilitation Facility, Buzzards Bay, MA. New Intake Structure/Utility Bldg., Site Plans and Exterior Elevations, Sheets S-0 to S-7, prepared by Blue Ridge Design, Inc., packet cover sheet dated 5/15/07, and Sheet M.1, Building Mechanicals, prepared by Comfort Design, Inc., dated 10/9/07, received by the Commission on October 23, 2007

Phase Two of the proposed Project shall be constructed in accordance with the following final plans except as these plans for Phase Two are modified or replaced by those submitted to the Commission on April 14, 2006 for Phase One:

Existing Conditions site plans 1-6 prepared by Tibbetts Engineering, dated January 3, 2005, included development plans dated May 30, 2003 Utility Building Plans A1.6, Building Elevations A2.1, North-South Building Sections A2.3, Wall Sections A3.1, Life Support Legend LS0.1, Life Support Schedules LS0.2, Life Support Below Grade LS1.1, Life Support Lower Piping LS1.2, Life Support High Piping LS1.3, Site Plan A0.1; Sign Plan by Wendy Mellinger, dated May 30, 2003, of the architectural firm Chermeyeff, Sollogub and Poole Inc., Boston, MA.

Any deviation during construction from the approved plans shall require approval by the Cape Cod Commission through a modification process pursuant to the Commission's

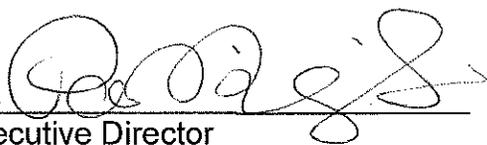
Enabling Regulations. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modification to the approved plans.

Community Character Conditions:

Heritage Preservation

CC.1 The Applicant shall construct the National Marine Life Center buildings in accordance with approved plans and elevation drawings dated 5/30/03 by CSP Architects and received by the Commission on August 22, 2005 except as these plans are modified or replaced by the plans submitted to the Commission on April 14, 2006, and again on October 23, 2007, which relate to the Intake Structure/Utility Building only, which is Phase One of the project, and are described in more detail in condition G1, above. Should unexpected conditions arise during demolition and construction that require redesign of the building, the applicant shall obtain approval from Cape Cod Commission staff prior to the start of construction consistent with the Commission's policy on Revisions to Approved DRIs. Modifications made during construction that are in accordance with the approved elevation drawings shall be considered as Minor Modifications #1 and approved by Commission staff.

~~CC.2~~ Prior to requesting a Preliminary Certificate of Compliance for Phases One and Two from the Cape Cod Commission, the Applicant shall provide samples of the proposed metal siding materials to demonstrate that the material is not reflective and is neutral in color.


Executive Director

11/6/07
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 6, 2007

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his capacity as Executive Director 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.


Notary Public



My Commission expires:

Minor Modifications Type 1 to the Project of Community Benefit/Hardship Exemption Decision
National Marine Life Center
November 6, 2007