



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

MINOR MODIFICATION TYPE #1

To: Tedeschi Realty Corporation/Shaw's Supermarket

From: Cape Cod Commission

RE: Modification to an Approved Development of Regional Impact Decision

Applicant: Skaket Associates Nominee Trust
14 Howard Street
Rockland, MA 02370

Project #: TR-02002

Project: Shaw's Supermarket
Route 6A/West Road
Orleans, MA 02653

Certificate of Title Number: 88560

BACKGROUND

In a decision dated January 21, 2005, the Cape Cod Commission (Commission) approved, with conditions, the Development of Regional Impact (DRI) application of Skaket Associates Nominee Trust/Shaw's Supermarket (Applicant) for the redevelopment of the Shaw's supermarket in Orleans, MA. This DRI decision contains community character conditions which require the project to be constructed in accordance with certain lighting plans, and that the overall exterior lighting design be consistent with the Commission's Technical Bulletin 95-001 (revised).

As part of a request for issuance of a Final Certificate of Compliance, Commission staff conducted a nighttime site visit on April 24, 2007. This site visit indicated that the project also includes a small utility structure located behind and to the Route 6 side of the supermarket building. There are three wall-mounted fixtures on this utility building that are not shown on the plan drawn by *LSI Industries*. Nevertheless, the type and



configuration of these lights are consistent with Technical Bulletin 95-001 (revised), although their foot-candle levels exceed those stipulated by the Technical Bulletin 95-001. To address Commission staff's concerns, applicant representatives indicated that a motion sensor activates or will be used to activate the lights on the utility building.

DETERMINATION

The Commission's Chief Regulatory Officer, being empowered by the Commission's Executive Director in her absence to make Minor Modification Type #1 determinations, finds that based on the lights being activated by a motion sensor, the limited number of fixtures, and the location of the utility building, that it is appropriate to grant the applicant a Minor Modification #1 for these fixtures because they constitute a *de minimus* change to the project.

Dorr Fox
Chief Regulatory Officer

4/25/07
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

4/25, 2007

Before me, the undersigned notary public, personally appeared Dorr 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