



# CAPE COD COMMISSION

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Date: April 30, 2007

To: Stuart Bornstein, Applicant

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Stuart Bornstein  
Holly Management & Supply Corporation  
297 North Main Street  
Hyannis, MA 02601

Project: Augat Self Storage

Project Location: 106 Falmouth Road (Route 28), Mashpee, MA

Project #: TR-02021

Recording Information: Map 54 Parcel 50 (Town Assessor)  
Certificate Number: 153788

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## Background

The above referenced project, the Augat Self Storage project, was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on December 1, 2005 as a Development of Regional Impact (DRI). Condition T1 of the DRI decision (as modified) requires that *"prior to the issuance of the first Preliminary Certificate of Compliance, the applicant shall submit detailed plans and approved permits for the removal and relocation of the western driveway access to Route 28."* At its April 30, 2007 meeting, the Commission's Regulatory Committee considered a request by the Applicant to be relieved from compliance with condition T1, such that the western driveway would be left in place for possible use in an emergency. At that meeting, Commission staff recommended that condition T1 remain in place, but that compliance with it be shifted from prior to issuance of the Preliminary Certificate of Compliance, and prior to issuance of the Building Permit, to prior to issuance of the Final Certificate of Compliance and the local Certificate of Use/Occupancy. Based on this compromise,



the Regulatory Committee concurred with Commission staff that the change in timing of compliance with condition T1 was a Minor Modification Type #1.

**Determination**

The Chief Regulatory Officer of the Cape Cod Commission, in consultation with the Commission's Regulatory Committee at its meeting on April 30, 2007, has determined that the revisions to Transportation condition T1 of the original DRI decision (as modified) as shown below constitutes a *de minimus* change and is approved as a Type 1 Minor Modification.

**Changes to Original Decision**

"T1. Prior to the issuance of the first ~~Preliminary~~-Final Certificate of Compliance, the applicant shall submit detailed plans and approved permits for the removal and relocation of the western driveway access to Route 28. These submissions shall be subject to Commission staff review and approval consistent with MPS 4.1.1.3. Prior to the issuance of the first Final Certificate of Compliance, the applicant shall close the existing western site driveway on Route 28, reducing the total driveways directly accessing Route 28 to one. New access shall be constructed from the current parking lot in the northwest corner of the site to Simon's Road as shown on plan entitled *Site Plan*, drawn by DownCape Engineering, dated February 22, 2002, revised October 3, 2005, received by Commission October 4, 2005. The closed driveway paving shall be removed and the area landscaped according to a landscape plan to be reviewed and approved by Commission staff."

Dorr Fox  
Dorr Fox, Chief Regulatory Officer

5/11/07  
Date

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss**

5/11, 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