



CAPE COD COMMISSION

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Date: May 8, 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

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). In the course of working on matters related to issuance of the First Preliminary Certificate of Compliance for this project, Commission staff determined that the Town of Mashpee did not have immediate plans to construct a sidewalk along the project's frontage. Based on this, the applicant requested that the DRI decision be changed to reflect this.

Determination

The Chief Regulatory Officer of the Cape Cod Commission has determined that the revisions to Transportation Finding T5 and Transportation condition T3 of the original DRI decision as shown below constitute *de minimus* changes and are approved as a Type 1 Minor Modification.



Changes to Original Decision

Finding

T5. MPS 4.1.1.6 requires accommodation for all users in site access design. MPS 4.1.2.5 requires provision of pedestrian and bicycle connections where appropriate. MPS 4.1.3.9 requires rights-of-way along the frontage of development properties to accommodate expected needs for bicycles and pedestrians. Given the project's location in an industrialized commercial area and given the nature of the proposed development, no accommodation at the site access is appropriate. However, per MPS 4.1.3.9, the applicant will provide a 10 foot sidewalk easement along the Route 28 frontage of the site if a sidewalk is planned built in the future and if such land is needed for the sidewalk.

Condition

T3. The applicant shall provide a 10 foot sidewalk easement on the site frontage on Route 28 extending the entire length of the site if a sidewalk is planned, and if such land is needed for the sidewalk. ~~Regardless of whether construction of the project is phased, prior to the issuance of the first Preliminary Certificate of Compliance, the~~ language of the easement shall be submitted for Commission staff review and approval consistent with this decision. In addition, proof of recording of the easement shall also be submitted to Commission staff ~~prior to the issuance of the first Preliminary Certificate of Compliance.~~

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