

# CAPE COD COMMISSION

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E-mail: [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)

DATE: April 30, 2007  
TO: Cape Cod Cooperative Bank  
FROM: Cape Cod Commission  
RE: Modification of Development of Regional Impact decision dated February 9, 2006, April 18, 2006 and August 8, 2006  
APPLICANT: Cape Cod Cooperative Bank  
PO Box 310  
Yarmouthport, MA 02675-0310  
PROPERTY OWNER: Cape Cod Cooperative Bank  
PROJECT: Cape Cod Cooperative Bank Operations Center  
Benjamin Franklin Way  
Independence Park, Hyannis, MA  
PROJECT #: #TR 05026  
MAP/PARCEL: Map 296, Parcel 29 and 30  
Map 314, Parcel 42  
BOOK/PAGE: Book 13196, Page 291  
Book 11462, Page 88

## **MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION**

The Cape Cod Commission approved a Development of Regional Impact (DRI) decision dated February 9, 2006 for a 36,250 square foot, two-story operations center located on Benjamin Franklin Way within Independence Park in Hyannis, MA. This decision is hereby amended by a vote of the Regulatory Committee dated April 30, 2007. All conditions attached to the original decision dated February 9, 2006 and modifications dated April 18, 2006 and August 8, 2006 continue to apply except as modified herein.

### **Conservation Restriction**

- 1) Given that the location of the proposed open space is isolated from other protected open space, and that this property does not contain unusual habitat types, a non-statutory restriction was found by the Regulatory Committee to be a more appropriate conservation tool for this property. The restriction should run in favor of the town's conservation commission or a local land trust, and not the CCC. The Town of Barnstable has been identified as the entity to monitor the land and ensure that the restrictions are enforced.

### **Open Space**

A small portion of the open space Parcel B has been paved over by the owners of Independence Park. This encroachment on Parcel B consists of approximately 370 square feet. The applicant provided 26,136 square feet of excess open space as a project benefit,

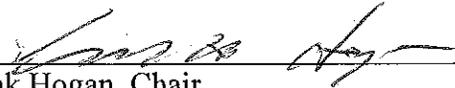


and the excess open space in lieu of the paving operations onto Parcel B still provide 25,766 square feet of open space on the project site.

**CONDITIONS**

**NR3** In accordance with Finding NR3, prior to the issuance of a final Certificate of Compliance, the Applicant shall provide to the Cape Cod Commission a **non-statutory** conservation restriction (restrictive covenant) and accompanying plan which provides that 215,191 square feet (which includes the 125,191 square foot Parcel A and the 90,000 square foot traffic mitigation Parcel B) identified as open space on the plan titled "Open Space Plan Prepared for Cape Cod Cooperative Bank" dated December 21, 2005 prepared by Holmes and McGrath shall be preserved as permanent open space. The restriction and site plan shall be approved by Commission counsel, executed and recorded at the Registry of Deeds or Registry District of the Land Court, and proof of recording shall be provided to the Commission prior to issuance of a final Certificate of Compliance.

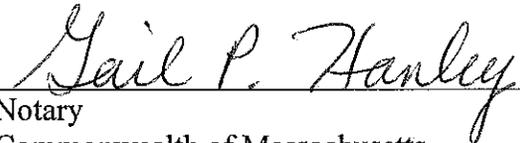
**NR3** Amended to reflect that Parcel B's open space square footage has been reconfigured due to inadvertent pavement activities by Independence Park, the total square footage of Parcel B has been reduced from 26,136 square feet to 25,766 square feet.

  
\_\_\_\_\_  
Frank Hogan, Chair

5/3/07  
\_\_\_\_\_  
Date

Commonwealth of Massachusetts  
County of Barnstable

On this 3rd day of May, 2007, before me personally appeared Frank Hogan to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

  
\_\_\_\_\_  
Notary  
Commonwealth of Massachusetts

My Commission Expires: 10/13/11