

CAPE COD COMMISSION

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Date: November 18, 2008

To: Eliza Cox, Esq.
Nutter, McClennen & Fish, LLP
P.O. Box 1630
Hyannis, MA 02630

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact
Change of Use/Hardship Exemption

Applicant: Shallow Pond Nominee Trust & Sixty North Street Realty Trust

Project: Rose Motel Redevelopment/Lakeside Commons
1555 & 1575 Iyannough Road, Route 132, Hyannis

Project #: CU/HDEX # 07018

Book/Page: 22146/76
Map/Parcel: 253/16

Background

The above referenced project, the Rose Motel Redevelopment/Lakeside Commons was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on March 20, 2008. The project was approved as a Change of Use/Hardship Exemption.

In a letter and other submissions received by the Commission on October 24, 2008, Patrick Butler and Eliza Cox of Nutter McClennen & Fish LLC, representing Shallow Pond Nominee Trust & Sixty North Street Realty Trust, requests a project change required by the local Site Plan Review Committee. The requested change pertains to the removal of the raised island proposed for the right in/right out driveway for the project. The Site Plan Review Committee's determined that the island is no longer necessary given the raised median in place as part of the completed Route 132 improvements that serves to enforce the right in/right out access to the property. As such, this change was adopted at the local level and the civil site plans entitle "Site Plan Commercial Development 'Lakeside Commons' 1555 Route 132 Hyannis, MA" prepared by



BSC Group (March 7, 2007, revised May 7, 2008) consisting of sheets C1 – C11 have been revised to reflect removal of the island.

Condition C-G6 of the Hardship Exemption decision states that any changes to the final plans shall be reviewed in accordance with Section 12 of the Commission's Enabling Regulations.

Determination

The Executive Director of the Cape Cod Commission has determined that the requested revisions to the findings and conditions of the original decision to accommodate the local Site Plan Review Committee's determination that the traffic island located in the right in/right out driveway is unnecessary and subsequently be removed, 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 Hardship Exemption decision to reflect the requested project change as described above.

The following changes shall be made to the original decision, dated March 20, 2008;

C-G1. All work shall be constructed in a manner consistent with the following plans:

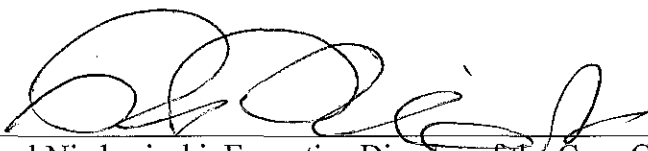
- ~~Site Permitting Plans, Lakeside Commons Redevelopment Project Proposed Office Building and Drive Thru Bank, prepared by BSC Group dated April 11, 2007 (as revised 12/18/07) and dated as received by the Commission on 9/25/07, sheets C-1—C-11. "Site Plan Commercial Development 'Lakeside Commons' 1555 Route 132 Hyannis, MA" prepared by BSC Group (March 7, 2007, revised May 7, 2008) consisting of sheets C1 – C11.~~

F-T5. The Applicant has proposed a right-turn-in/right-turn-out only driveway onto Route 132 and interconnections between both adjacent parcels. MassHighway is currently installing a raised median within Route 132 to enforce the proposed right-turn-in/right-turn-out Route 132 driveway restriction. ~~The Applicant has proposed a right-turn-in/right-turn-out traffic island at the driveway to assist drivers' understanding of the turn restriction.~~

C-T1. Prior to the issuance of the Final Certificate of Compliance, the Applicant shall consolidate the two (2) existing full access driveways on Iyannough Road (Route 132) in Hyannis into one (1) right-turn-in/right-turn-out only driveway. ~~In addition, the Applicant shall construct a traffic island at the driveway to assist drivers' understanding of the turn restriction.~~

These changes to the March 20, 2008 decision conform to corresponding Conditions C-G1 and C-G6 also contained in the decision. All other conditions of the March 20, 2008 decision, as well as those mentioned herein, remain in effect.

SIGNATURE PAGE


Paul Niedzwiecki, Executive Director of the Cape Cod Commission

11/18/08
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss 11/18, 2008

Paul Niedzwiecki

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his her 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/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires:

10/13/11