



CAPE COD COMMISSION

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DATE: September 4, 2009

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FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact Decision dated
January 29, 1998 and modified on September 22, 1998, August 30, 1999,
October 7, 1999, March 12, 2001, November 12, 2008 and March 3, 2009

Cape Cod Commission Act, Sections 12 and 13

APPLICANT: TD Banknorth

OWNER: Mayflower Cape Cod, LLC
c/o Simon Property Group L.P.
115 West Washington Street
Indianapolis, IN 46204

PROJECT: Cape Cod Mall Renovation and Expansion

PROJECT #: TR96025

BOOK/PAGE: Book 1357/Page 1143
Book 1357/Page 1152
Book 7942/Page 272

LOT/PLAN: Lot 10/Plan 18367-D Cert. #73925 Lot --/Plan 35455-A Cert. #44428
Lot 18/Plan 29992-E Cert. #73925 Lot 12/Plan 13216-I Cert. #124185
Lot 20/Plan 29992-E Cert. #73925 Lot 13/Plan 13216-I Cert. #124185
Lot 21/Plan 29992-E Cert. #73925 Lot 14/Plan 13216-I Cert. #124185



Lot 22/Plan 29992-E Cert. #73925 Lot 11/Plan 13216-I Cert. #124185
 Lot 26/Plan 29992-E Cert. #73925 Lot 10/Plan 13216-I Cert. #124185
 Lot 13/Plan 18367-D Cert. #73503 Lot 12/Plan 29719-B Cert. #78644
 Lot 16/Plan 29992-D Cert. #41206 Lot 11/Plan 29719-B Cert. #78644
 Lot 17/Plan 29992-D Cert. #41206 Lot 19/Plan 29992-E Cert. #108683
 Lot 23/Plan 29992-E Cert. #73503 Lot 25/Plan 29992-E Cert. #104912
 Lot 24/Plan 29992-E Cert. #39492/41206 Lot 27/Plan 29992-E
 Cert. #104912
 Lot 2/Plan 34491-B Cert. #44869 Lot A-1/Plan 21173-B Cert. #129187
 Lot 1/Plan 34491-B Cert. #137708 Lot A-2/Plan 21173-B Cert. #129187
 Lot 14/Plan 29992-D Cert. #119830 Lot 94/Plan 17786-K Cert. #76834
 Lot 15/Plan 29992-D Cert. #119830 Lot 49/Plan 17786-D

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission *Enabling Regulations*, the Development of Regional Impact decision dated January 29, 1998 and modified on September 22, 1998, August 30, 1999, October 7, 1999, March 12, 2001, November 12, 2008 and March 3, 2009 for the Cape Cod Mall renovation and expansion is hereby amended to accommodate the demolition of the existing liquor store at 226 Falmouth Road (Route 28) and the construction of a TD Bank North branch building. All findings and conditions attached to the original decision and modifications continue to apply except as modified herein.

Minor Modification Type #1

The following findings shall be modified to read as follows (**bold** type indicates added text, deleted text is shown as struck out):

Exterior Lighting

EXLF1. MPS 6.2.10 of the 2002 (amended) RPP requires that *“development and redevelopment conform with the Cape Cod Commission’s exterior lighting design standards and submission requirements, Technical Bulletin 95-0001.”* Exterior lighting for the proposed bank **parking area** consists of 6 double-headed and one single-head pole-mounts on 25-foot poles. On-building lights include **14 eighteen (18)** total fixtures, in ~~two~~**three** different styles. One type of light will be mounted under the drive-up canopy and **in the ceiling above the main entrance (5)**, and **another one type** will illuminate the corner main entrance and building sidewalls **(12)**, and **a single fixture will be installed over the exit door at the “back” of the building that faces the Cape Cod Mall.**

EXLF3. ~~The installed on-building fixtures According to a revised lighting plan received from Bohler Engineering on 11/26/08 (Lighting Plan, Sheet 10 of 12, latest revision 11/10/08) will be 11 on-building lights at the building’s corners and along the walls. are opaque wedge fixtures from Lumen Tech cylindrical fixture from~~

~~LIGHTOLIER (C&E170VM-CLW).~~ ~~The~~ **This** fixture is consistent with Technical Bulletin 95-001 (as revised). They are ~~metal halide compact fluorescent~~, fully shielded and full cutoff.

- EXLF4. Technical Bulletin standard 2.6 stipulates a maximum foot-candle level of 8.0 as measured directly below the light at grade. A revised foot-candle (Fc) plan provided by the project architects (*Lighting Plan*, Sheet 10 of 12, Bohler Engineering, latest revision dated 01/30/09) shows levels of between 8 and 9.4 Fcs below the bank drive-up canopy. The project architects agreed as part of the Commission's review to reduce the light levels of these fixtures to approximately 10 Fcs. The 01/30/09 revised lighting plan complies with this. **New information submitted by Bohler Engineering to the Commission on September 3, 2009 indicates the new on-building wedge lights described in revised finding EXLF3 conform to Technical Bulletin standard 2.6.**

The following conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is shown as struck out):

General Conditions

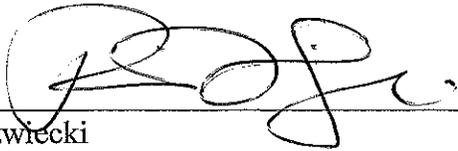
- GC1. The proposed TD Banknorth branch building shall be constructed in accordance with the following plans:

- Site Development Plans for TD Bank, Sheets ~~1-12~~, **1, 2, 4 – 7, 9-12** prepared by Bohler Engineering dated 7/23/08;
- Partial Boundary and Topographic Survey, TD Banknorth, Drawing 1, prepared by ControlPoint Associates, Inc. dated 7/21/08;
- Proposed Floor Plan, TD Banknorth, Sheet A1.0, prepared by DRL Associates, Inc., dated 7/21/08;
- Proposed Elevations Plan, TD Banknorth, Sheets A2.0 and A2.1, prepared by DRL Associates, Inc., dated 9/22/08 as revised 1/20/09;
- Revised Exterior Lighting Plan, from Bohler Engineering, *Lighting Plan*, received 11/26/08, sheet 10 of 12, latest revision dated 01/30/09 **as amended by new information submitted to the Commission by Bohler Engineering on 9/3/09;** and

~~In the event Mayflower Cape Cod, LLC c/o Simon Property Group L.P. retains a small portion of land on the western site boundary, then Site Development Plans for TD Bank, Sheet 3 and Sheet 8, prepared by Bohler Engineering dated 7/23/08, shall be superceded by the following plans:~~

- Alternative Site Plan for TD Bank, Sheet 3A, prepared by Bohler Engineering dated 7/28/08, as revised 02/04/09;
- Alternate Landscape Plan, Sheet 8A, prepared by Bohler Engineering dated 7/28/08, as revised 02/23/09; and

Except as provided in condition TC1 And LC1, any deviation during construction from the approved plans, including but not limited to changes to the building design, building location, lighting, landscaping or other site work, shall require approval by the Cape Cod Commission through a modification process, pursuant to Section 12 of the Commission's *Enabling Regulations*. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.



9/04/09
Date

Paul Niedzwiecki
Executive Director
Cape Cod Commission

COMMONWEALTH OF MASSACHUSETTS

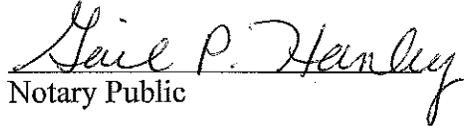
Barnstable, ss

9/4, 2009

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.


Notary Public

My Commission Expires

10.13.11