



CAPE COD COMMISSION

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DATE: January 21, 2010

TO: Robert Mucciarone-F.W. Webb
160 Middlesex Turnpike
Bedford, MA 01730

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact

PROJECT APPLICANT: F.W. Webb
160 Middlesex Turnpike
Bedford, MA 01730

PROPERTY OWNER: RAM Construction, LLC
160 Middlesex Turnpike
Bedford, MA 01730

PROJECT # TR 08025

PROJECT: F.W. Webb
108 Breeds Hill Road
Hyannis, MA 02601

BOOK/PAGE: 9210/72

LOT and PLAN: Lots 2 & 3 Plan Book 406 Page 52

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 13 of the Cape Cod Commission *Enabling Regulations* (Revised December 2009), the Development of Regional Impact decision dated May 14, 2009 and modified June 11, 2009, June 22, 2009, July 22, 2009, and November 19, 2009 for the F.W. Webb project is hereby amended. All findings and conditions attached to the original decision and subsequent modifications continue to apply except as modified herein.



Minor Modification Type #2

On January 19, 2010 the Cape Cod Commission's Regulatory Committee determined that the proposal constitutes a minor modification type #2 in accordance with the Commission's *Enabling Regulations*.

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

TF4. MPS TR3.4 requires DRIs to mitigate all traffic-related impacts associated with the proposed project. Appropriate mitigation can be achieved through in-kind strategies (roadway widening, signalization, etc.), non-structural means (transit, preservation of developable land, financial contribution based on impacts of the project) or a combination of these measures. The Applicant has chosen to make a financial contribution to offset the impacts of this project.

Transportation infrastructure costs are based on a formula that multiplies the impact of the project by the cost to maintain the roadway infrastructure by the number of estimated miles traveled by the traffic accessing the project divided by the capacity of the roadway. This calculation produces a cost per Vehicle Miles Traveled (VMT) estimate of the transportation infrastructure required of a development project. Vanasse Associates estimated the cost to maintain the transportation infrastructure based on a VMT formula. The Commission adopts this calculation and finds that based on current infrastructure expenses, the cost to maintain the transportation infrastructure required for this business is \$110,307.00.

Vanasse Associates stated that the traffic operation at the Route 132/Independence Drive/Enterprise Road intersection can be improved by changing the traffic signal timing. Vanasse Associates estimated the cost to change the traffic signal timing at \$10,000. Commission transportation staff has contacted MassHighway and the Town of Barnstable relative to approval of this proposal. The Town of Barnstable is in favor of improving the traffic signal timing at this location. MassHighway approval will be the responsibility of the Applicant during the MassHighway permitting process. The Commission finds that the estimated costs of improving the traffic signal timing (\$10,000) can be deducted from the fair-share amount (\$110,307) required for this project to offset the transportation impacts on the regional roadway.

On December 18, 2009 the Town of Barnstable's Engineer (Robert A. Burgmann, P.E.) submitted written testimony to the Commission stating that the adjustments to the existing traffic signal timing at the intersection would not improve the level of service of the intersection. He stated that the Town would benefit more from having additional funding to draw on in order to help defray the costs of future transportation improvements.

As a result, the Regulatory Committee finds that the Applicant can provide additional monies for use by the Town of Barnstable to help support the planning, design, and implementation of transportation improvements in lieu of providing said signal-timing modifications.

The Regulatory Committee finds the additional amount of monies proposed to be paid to Barnstable to be \$4,500.00, which reflects the agreed-upon value of the traffic signal timing improvements (\$10,000) less engineering and permitting costs (\$5,5000) incurred to prepare the initial draft traffic signal timing modification plans for review.

As stipulated in Transportation condition 1 (TC1), the Applicant shall be required to pay **\$104,807 to Barnstable County to offset the transportation impacts of this project.** ~~the remaining financial offset for transportation impacts in the amount of \$100,307.~~

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

- TC1. Prior to the issuance of the Final Certificate of Compliance, the Applicant shall make a payment of **\$ 104,807** ~~\$100,307~~ to Barnstable County/Cape Cod Commission to be used in accordance with the findings made in TF4. These funds shall be held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design, and implementation of transportation improvements in the Town of Barnstable.
- ~~TC2. Prior to the issuance of the Final Certificate of Compliance, the Applicant shall make the signal timing changes at the Route 132/Independence Drive intersection as outlined in TF4.~~

SEE NEXT PAGE FOR SIGNATURE

Royden Richardson
Royden Richardson, Regulatory Committee Chair

January 21, 2010
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

1/21, 2010
Royden Richardson

Before me, the undersigned notary public, personally appeared Royden Richardson, in his/her capacity as Chairman of the Regulatory Committee, 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