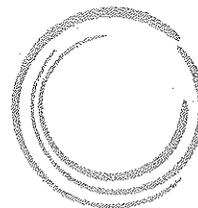


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CAPE COD  
COMMISSION

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(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

Date: October 19, 2011

To: Robert H. Ament  
Ament & Ament  
39 Town Hall Square  
P.O. Box 919  
Falmouth, MA 02541

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact  
Hardship Exemption

Project Applicant  
and Property Owner: Woods Hole Oceanographic Institution

Project: Laboratory for Ocean Sensors and Observing Systems

Project Location: 360 Woods Hole Road, Quissett Campus, Woods Hole, Falmouth, MA

Project Number: TR-11001

Lot / Plan: Lot 6, Plan 5348-I on Certificate of Title Number 94908 and 44053

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### **Background**

The above referenced project, the Laboratory for Ocean Sensors and Observing Systems (LOSOS) was approved, with conditions, as a Limited DRI Hardship Exemption, by a vote of the Cape Cod Commission (Commission) on March 17, 2011. The Commission's Limited DRI Hardship Exemption decision (Decision) was amended by a Minor Modification Type #1 dated May 11, 2011.

Condition GC7 of the Commission's Limited DRI Hardship Exemption decision (Decision) requires that Woods Hole Oceanographic Institution (WHOI), prior to the Certificate of Use/Occupancy, obtain a Final Certificate of Compliance from the Commission that states that all conditions in the decision pertaining to issuance of the Final Certificate of Compliance/Certificate of Use/Occupancy have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Final Certificate of Compliance have been complied with. The decision also includes a number of specific conditions that had to be satisfied prior to issuance of a Final Certificate of Compliance by the Commission.

## Modification

Ernie Charette, Director of Construction Projects for WHOI, contacted Andrea Adams, Senior Regulatory Planner for the Commission, on October 4, 2011 regarding the exterior lighting design. Mr. Charette and Bernice Wahler of Stephen Stimson Associates provided information, including a revised exterior lighting plan, to Commission staff by Email concerning a revised exterior lighting design for the proposed LOSOS building and site.

The Executive Director of the Commission has determined that the requested changes to the exterior lighting constitutes a *de minimus* change according to Section 13(c)(i) of the Commission's *Enabling Regulations* (Revised May 2011) and are approved as Type 1 Minor Modifications.

## Changes to Original Decision

The following changes shall be made to General Finding 12 (GF12), the Exterior Lighting finding and General Condition 5 (GC6) of the 2011 original Limited DRI Hardship Exemption decision.

### FINDINGS

GF12. The Commission finds that the project will be constructed in accordance with the following plan set entitled "Laboratory of Ocean Sensors and Observing Systems" designed by Ellenzweig Design Architect & Planner, Stephen Stimson Associates Landscape Architect, Holmes and McGrath, Inc. Civil Engineer, LeMessurier Consultants Structural Engineer, BR+A Consulting Engineers Mechanical/Electrical/Plumbing Engineer, and Columbia Construction Co. Construction Manager dated December 2010 (attached to this decision as Exhibit A and incorporated by reference):

- Sheet EXF-01 titled "Northeast View"
- Sheet EXF-02 titled "Northwest View"
- Sheet EXF-03 titled "Southwest View"
- Sheet EXF-04 titled "Southeast View"
- Sheet LVL-01 titled "First Floor Level"
- Sheet LVL-02 titled "Second Floor Level"
- Sheet LVL-03 titled "Penthouse Level"
- Sheet LVL-04 titled "Roof Level"
- Sheet EL-01 titled "East and West Elevations"
- Sheet EL-02 titled "North South and Miscellaneous Elevations"
- Sheet C1.1 titled "Proposed Campus Map Location Plan"
- Sheet C1.2 titled "Existing Conditions"
- Sheet C1.3 titled "Erosion Control Plan"
- Sheet C1.4 titled "Proposed Site Layout Plan"
- Sheet C1.5 titled "Proposed Utilities Plan"
- Sheet C1.6 titled "Sewer System"
- Sheet C1.7 titled "Grading & Drainage"
- Sheet C1.8 titled "Proposed Stormwater System Details"
- Sheet C1.9 titled "Pressure Wash System Details"
- Sheet C1.10 titled "Proposed Water System Details"
- Sheet C1.11 titled "Proposed Sewer System Details"
- Sheet L1.2 titled "Planting Plan"
- Sheet L1.4 titled "Lighting Plan" **dated 4/15/11, received by Commission 10/12/11**
- **Footcandle Plan titled "LOSOS/SSALA," OMNI-LITE dated 40/11/2011 (sic) received by Commission 10/12/11**

- Exhibit 10 in the application materials titled “Proposed Developed Area & Open Space Plan for LOSOS Laboratory” designed by Holmes & McGrath, dated December 7, 2010.

### Exterior Lighting Design

ELF1. According to the information submitted ~~to date~~, including a December 2010 ~~4/15/11~~ Lighting Plan L1.4 by Stephen Stimpson Associates (received ~~1/4/11~~ **10/12/11**) and a **Footcandle Plan by OMNI-LITE and Email correspondence from Ernie Charette and Bernice Wahler of Stephen Stimpson Associates on 10/14/11** the exterior lighting is consistent with Commission requirements, ~~with the exception of 6 BEGA bollards. However, the Commission finds that the fixtures are being used as a safety feature, are limited in number, and will not be visible off the Quissett Campus.~~ Therefore, the Commission finds that the project is consistent with the applicable Exterior Lighting Standards of the Regional Policy Plan and is not included in the scope of review.

### CONDITIONS

- GC5. All development shall be constructed in a manner consistent with the following plans and other information (attached to this decision as Exhibit A and incorporated by reference):
- Sheet EXF-01 titled “Northeast View”
  - Sheet EXF-02 titled “Northwest View”
  - Sheet EXF-03 titled “Southwest View”
  - Sheet EXF-04 titled “Southeast View”
  - Sheet LVL-01 titled “First Floor Level”
  - Sheet LVL-02 titled “Second Floor Level”
  - Sheet LVL-03 titled “Penthouse Level”
  - Sheet LVL-04 titled “Roof Level”
  - Sheet EL-01 titled “East and West Elevations”
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Any deviation to the proposed project from the approved plans, including but not limited to changes to the design, location, or other site work, shall require approval by the Cape Cod Commission through its modification process, pursuant to 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.

**SEE NEXT PAGE FOR SIGNATURES**

**Signatures**



Executive Director

10/19/11

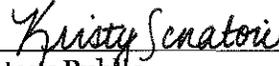
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

10/19, 2011

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:

