

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

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**MINOR MODIFICATION TYPE #1**

**DATE:** August 30, 2012

**TO:** Michael A. Santos  
APCON, Inc.  
4830 Route 28  
Cotuit, MA 02653

**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 17, 2008, March 3, 2009,  
September 4, 2009 and January 1, 2010  
  
Cape Cod Commission Act, Sections 12 and 13

**OWNER:** Leo J. Fein, General Manager  
Cape Cod Mall / Simons Malls  
769 Iyannough Road, Hyannis, MA 02601

**PROJECT:** Cape Cod Mall Renovation and Expansion (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 13 of the Cape Cod Commission *Enabling Regulations* (Revised March 2011/New Fee Schedule Effective 7/1/12), the Development of Regional Impact decision for the Cape Cod Mall renovation and expansion dated January 29, 1998 and modified on September 22, 1998, August 30, 1999, October 7, 1999, March 12, 2001, November 17, 2008, March 3, 2009, September 4, 2009 and January 1, 2010 is hereby amended to allow enclosure of part of an existing outdoor seating area formerly utilized by the TGI Friday's restaurant with a 500 square foot structure.

All findings and conditions attached to the original decision and subsequent modifications continue to apply except as modified herein. New text is shown in **bold**. Deleted text is shown in strikeout.

### AMENDED FINDINGS

**General Finding A17: The project consists of the enclosure of a portion of the outdoor seating area originally used by the TGI Friday's restaurant with a 500 square foot structure. The other part of the interior and outdoor space formerly occupied by TGI Friday's is currently occupied by another restaurant called *Chipotles*, which uses the remainder of the outdoor seating area. No additional changes to the Mall property are proposed or authorized as a result of this modification.**

**Water Resources Finding B5: No significant change in water use is anticipated as a result of the enclosure of a portion of the existing exterior seating area formerly used by TGI Friday's. This is also based on a reduction in the occupant load for the reconfigured space (T Murphy's Sports Bar & Grille + Chipotles) by 85 occupants from the prior TGI Friday's restaurant based on an 8/2/12 letter from Dom Daveta, project architect, received by the Commission by Email on 8/22/12.**

**Natural Resources/Open Space Finding C5: No change in the originally required open space or changes in natural resources impacts are anticipated as a result of the proposed modification because the area to be enclosed is a portion of the sidewalk directly adjacent to the Mall building on the Route 132 side.**

**Transportation Finding F12: No change or increase in parking is anticipated or required as a result of the proposed project.**

**Solid Waste Finding G5: No significant change in solid waste generation is expected from the proposed project.**

**Hazardous Materials/Waste Finding H9: No significant change in Hazardous Materials use or Waste generation is expected from the proposed project.**

**Community Character Finding I12: The proposed exterior elevations for the 500 square foot building element proposed as part of the T Murphy's Sports Bar & Grille are consistent with the Cape Cod Mall Design Guidelines prepared by Arrowstreet, Inc. dated October 31, 1997.**

**Community Character Finding I13:** Exterior lighting, including any lighting for exterior signs, is consistent with Minimum Performance Standard 6.2.7 and the Commission's Exterior Lighting Technical Bulletin based a 8/22/12 letter from Daveta Associates Architects, 31 Upland Road, Somerville, MA including a revised Front and Right Side Elevation drawing showing goose-neck fixtures for sign lighting and two (2) Lumark XTOR3ANWTPC1 wall packs. This conclusion is also based on an 8/29/12 Email from Michael A. Santos, President, APCON, Inc. which included a revised Front and Right Side Elevation drawing. No changes are proposed to any other part of the Cape Cod Mall's exterior lighting design.

AMENDED CONDITIONS

General Condition A5. The proposed Cape Cod Mall expansion shall be constructed in accordance with the following plans or as amended per condition #A.6 below:

- Proposed Site Plans for Cape Cod Mall Renovation dated January 15, 1998, 52 sheets
- Proposed Site Plan w/Maximum Building Envelope dated January 15, 1998
- Proposed Planting Detail Sheet, CBA Landscape Architects dated January 26, 1998
- Notice of Intent plan submission, 11 sheets, dated December 19, 1997
- Main Pylon Sign Elevation, Arrowstreet, Inc. dated December 29, 1997
- Pedestrian Circulation Plan dated October 31, 1997
- **Drawing set for T Murphy's Sports Bar & Grille, drawings A-1 to A-7 and S-1, by Daveta Associates Architects, 31 Upland Road, Somerville, MA, dated 8/6/12, received by the Commission on 8/22/12 by Email from Michael Santos, APCON, Inc., as amended by an 8/29/12 Email from Michael A. Santos, President, APCON, Inc. which includes a Front and Right Side Elevation drawing (Sheet A-2), revised 8/27/12, and as amended for exterior lighting by an 8/22/12 letter from Daveta Associates Architects. *Sheet A-2 is attached to this decision.***

**No other changes to the Mall property are proposed or authorized as a result of this modification.**

**Community Character Condition H10:** The proposed structure to enclose a portion of the exterior seating originally designated for the TGI Friday's restaurant for the proposed T Murphy's Sports Bar & Grille shall be constructed consistent with the drawing set for T Murphy's Sports Bar & Grille, drawings A-1 to A-7 and S-1, by Daveta Associates Architects, 31 Upland Road, Somerville, MA, dated 8/6/12, received by the Commission on 8/22/12 by Email from Michael Santos, APCON, Inc., as amended by an 8/29/12 Email from Michael A. Santos, President, APCON, Inc. which includes a Front and Right Side Elevation drawing (Sheet A-2), revised 8/27/12, and as amended for exterior lighting by an 8/22/12 letter from Daveta Associates Architects.

**Community Character Condition H11:** All exterior lighting for the T Murphy's Sports Bar & Grille, including exterior lights for on-building signs or awnings, shall consistent with Minimum Performance Standard 6.2.7, the Commission's Exterior Lighting Technical Bulletin, 95-001, and with the fixtures noted in Community Character Finding I13.

**SEE NEXT PAGE FOR SIGNATURES**

Signatures



Paul Niedzwiecki, Cape Cod Commission Executive Director

8/30/12  
Date

COMMONWEALTH OF MASSACHUSETTS

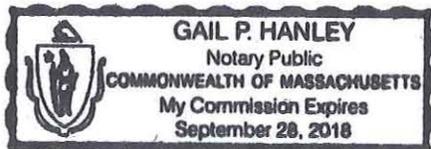
Barnstable, ss

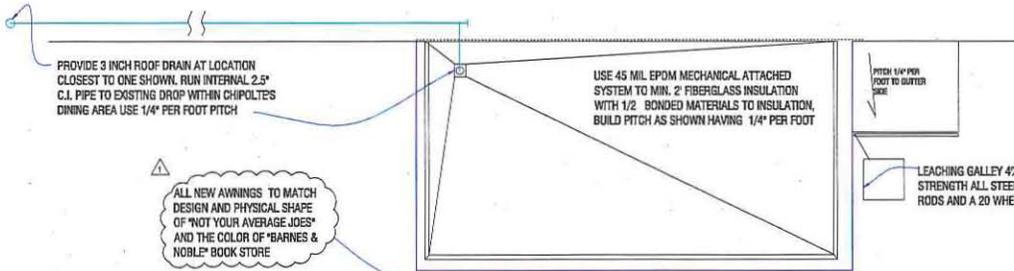
August 30, 2012

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his/her capacity as the Cape Cod Commission's Executive Director, 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: 9-28-18





**ROOF PLAN**



ALL NEW AWNINGS TO MATCH DESIGN AND PHYSICAL SHAPE OF "NOT YOUR AVERAGE JOES" AND THE COLOR OF "BARNES & NOBLE" BOOK STORE

ALL NEW SIDING AND PLASTERS TO MATCH IN STYLE COLOR AND MATERIAL EXISTING CLAPBOARD AND FLAT PANELS

PROVIDE ELECTRICAL FOR SIGNAGE

LEACHING GALLEY 42x42x4' 5000 PSI CONCRETE STRENGTH ALL STEEL TO BE GRADE 60 STEEL RODS AND A 20 WHEEL LOADING

**T. MURPHY'S SPORTS BAR & GRILLE**

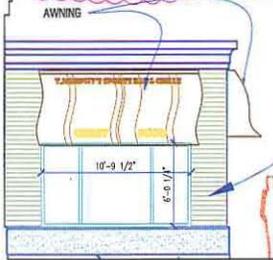
REFER TO LIGHTING SELECTION ON SUBMISSION 8-23-2012

USE "GRFC" FINISH 1/4" THICKNESS OR 3/4" CDX PLY TYPICAL ALL BASE TREATMENT BELOW GLASS

USE "GRFC" MATERIAL SEE DETAIL FOR SIZES AND PROFILE OF ALL ELEMENTS OF COLUMN CONSTRUCTION. NOTE-CONSTRUCTION TO REPLICATE EXISTING FULL HEIGHT COLUMNS WITHIN THE REDUCED PROPORTION OF NEW COLUMNS.

ALL NEW GLAZING TO ADHERE TO GENERAL NOTES REGARDING IMPACT RESISTANT GLASS

**FRONT ELEVATION**



**LEFT SIDE ELEVATION**

REUSE STONE BASE THREE SIDES

REUSE EXISTING CONCRETE BASE SALVAGED FROM EXISTING FACADE TO BE REMOVED.

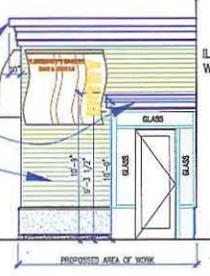
ALL SOFFIT TRIM TO GRFC, PAINT TO FINISH

ILLUMINATE ENTRY AND WALKWAY ADEQUATELY

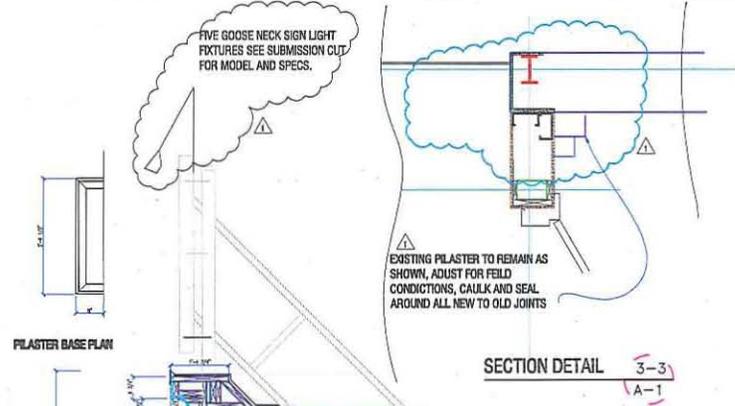
USE GRFC CLAPBOARD TO MATCH EXISTING WALL DETAIL

REUSE AND OR REPLACE IN SAME MATERIAL AND PROFILE, CEMENT BASE OF TYPICAL GRADE TERMINATION DETAIL

**RIGHT SIDE ELEVATION**

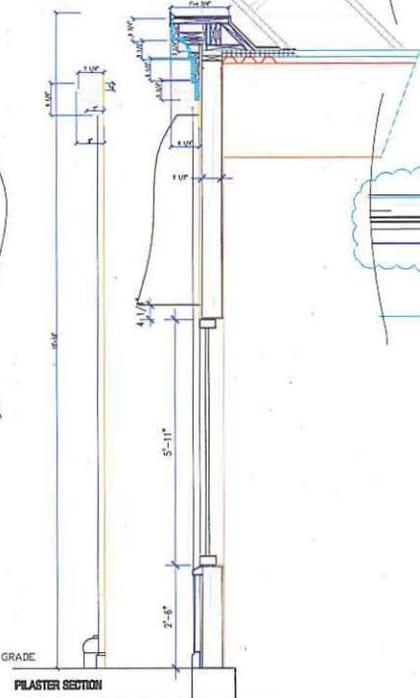


REUSE ALL EXISTING DOORS AND WINDOW MULLIONS SUITABLE FOR ITS INTENDED USE

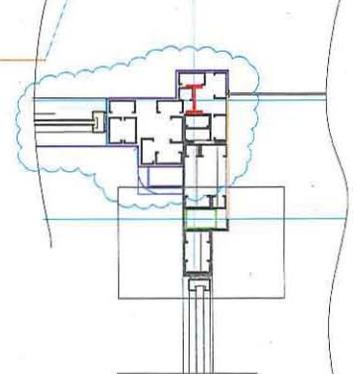


**SECTION DETAIL 3-3**  
A-1

**PLASTER BASE PLAN**



**DETAILS FOR GRFC**



**SECTION DETAIL 1-1**  
A-1



ALL INFORMATION BASED FROM FORMER EXISTING DRAWINGS DATED 07-11-2009 ALSO FROM FIELD OBSERVATION. PORTION AND NECESSARILY. ACCURACY BASED BASED UPON FIELD OBSERVATIONS SCALE DIMENSIONS FROM EXISTING DRAWINGS NOTED ABOVE.

REVISION 1-1A2 8-27-2012

**T. MURPHY'S BAR & GRILLE**  
**CASE COO HALL BRYANVILLE, MA.**  
GAVETA ASSOCIATES  
ARCHITECTS  
31 UPLAND ROAD SOMERVILLE, MA  
02144

STAMP

EXTERIOR ELEVATIONS WALL SECTIONS AND DETAILS	
SCALE	A-2
1/4" = 1'-0"	
DATE	
08-06-2012	