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CAPE COD  
COMMISSION

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**MINOR MODIFICATION  
TYPE #1**

**DATE:** July 29, 2013  
**TO:** Leo J. Fein, General Manager  
**FROM:** Cape Cod Commission  
**SUBJECT:** 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, January 1, 2010, August 30, 2012 and January 15, 2013

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

**LOCUS:** 769 Iyannough Road, Hyannis, MA

**PROJECT:** Cape Cod Mall Renovation and Expansion (TR96025)

**BOOK/PAGE:** Book 1357/Page 1143 Book 26819/Page 64035  
Book 1357/Page 1152  
Book 7942/Page 272

<b>LOT/PLAN:</b>	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 (Commission) *Enabling Regulations* (Revised March 2013, with Revised Fee Schedule Effective July 1, 2013), the Development of Regional Impact (DRI) decision dated January 29, 1998 (as modified on September 22, 1998, August 30, 1999, October 7, 1999, March 12, 2001, November 17, 2008, March 3, 2009, September 4, 2009, January 1, 2010, August 30, 2012 and January 15, 2013) for the Cape Cod Mall is hereby further amended as a *de minimus* Minor Modification Type #1 to allow the installation and use of new exterior lighting fixtures to replace and upgrade ones already on the site. The new exterior lighting fixtures include on-building and parking lot pole lights. The project is being undertaken by the Cape Cod Mall in conjunction with the Cape Light Compact.

According to supporting materials submitted by the staff of the Cape Light Compact and its consultant, RISE Engineering, a division of Thielsch Engineering, and on which this Modification is based *inter alia*, the existing parking lot light heads will be replaced with new BETA *Edge* LED heads on the existing poles, resulting in a final fixture height of 30.0 feet, consistent with the 1998 decision, as amended. The replacement on-building mounted lights will be two different fully shielded full-cutoff LED wallpacks from *MaxLite* (MILLWP40LED50DS and the MILLWP70LED50DS). These fixtures are also consistent with the 1998 DRI decision as amended. A third type of on-building light, the FFLED39 by *RAB Lighting* is compliant with the original 1998 decision as amended because it will be used to illuminate an enclosed space. The existing white exterior fixtures that illuminate the compass rose feature on the facades will not be changed.

All findings and conditions attached to the original DRI decision and subsequent modifications continue to apply except as modified herein. The replacement exterior light fixtures shall meet the standards and conditions for development set out in the above referenced decision, as modified previously and herein.

## **MODIFICATION TO DRI DECISION**

### **AMENDED FINDING**

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 for the T-Murphy's Sports Bar showing goose-neck fixtures for sign lighting and one shielded downright over the main outside entrance. **The proposed replacement pole mount heads from BETA, and MaxLite LED wallpacks and the proposed RAB on-building light are consistent with the MPS 6.2.7 and the Commission's Exterior Lighting Technical Bulletin.** No changes are proposed or authorized 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 other information*, 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
- **Exterior lighting fixture cut sheets and other information provided as part of a June 25, 2013 Email from Nicole Price Voudren, Cape Light Compact and Terrence Turner, RISE Engineering showing replacement pole mount fixture heads, two types of LED wallpacks and one other on-building mounted light from RAB Lighting**

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

Community Character Condition H7: Proposed site lighting shall be constructed in accordance with Site Lighting Plans, Initial and Maintained Light Levels with ~~30'~~ **height parking lot pole lights no taller/higher than 30.0 feet**, 2 sheets, Johnson & Stover, dated January 15, 1998. Parking lot luminaires shall maintain a minimum of 1 footcandle and a maximum of 8 footcandles measured on the ground beneath the light source. **On-building mounted lights shall also be consistent with the Cape Cod Commission's Technical Bulletin, including fully shielded, full cutoff, with the exception of the on-building mounted lights from RAB Lighting described in a June 25, 2013 Email from Nicole Price Voudren, Cape Light Compact and Terrence Turner, RISE Engineering.** Prior to issuance of a Final Certificate of Compliance, footcandle readings of installed luminaires shall be taken by Commission staff to verify compliance with this condition.

ISSUANCE OF MODIFICATION DECISION

Executed this 29<sup>th</sup> day of July 2013.

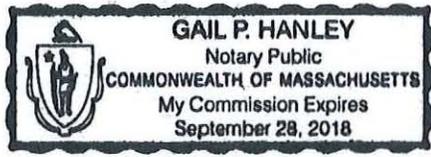
P. Daley  
Signature

Patty Daley, Deputy Director  
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss July 29, 2013

Before me, the undersigned notary public, personally appeared Patty Daley,  
in his/her capacity as Deputy 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: 9-28-18