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CAPE COD  
COMMISSION

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

Date: January 9, 2014

To: Mike Harless  
Lowe's Home Centers, Inc.  
1605 Curtis Bridge Road  
REEC Dock  
Wilkesboro, NC 28697

Re: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13  
Cape Cod Commission *Enabling Regulations*, Sections 3 and 7

Applicant: Lowe's Home Centers, Inc.

Property Owner: Robert Chamberlain, Trustee  
Theophilus Smith Realty Trust  
c/o 478 Route 134, P.O. Box 271  
South Dennis, MA 02660

Project Name: Lowe's of Dennis, MA

Project Location: 9, 10, 20 Commerce Street and 55 Theophilus F. Smith Road, Dennis, MA

Project #: TR-13005

Map and Parcel:

141/37 38 & 39 Theophilus Smith Realty Trust 38764A  
Land Court Certificate of Title # 99489 and 99854

Plan and Lot:

Lot 2 and 3

141/37 38 & 39 Theophilus Smith Realty Trust 38407A  
Land Court Certificate of Title # 99489 and 99854

Lot 2

141/30 Theophilus Smith Realty Trust Plan Book 485  
Barnstable Registry of Deeds Book 5165 Page 166

Plan 85

152/17 Theophilus Smith Realty Trust Plan Book 293  
Barnstable Registry of Deeds Book 6034 Page 166

Plan 40, Parcel 2

*\*Transferring title into the Trust are pending Land Court approval*

## DECISION OF THE CAPE COD COMMISSION

The Cape Cod Commission (Commission) hereby finds that the probable benefit of the proposed development is not greater than the probable detriment, and therefore denies the application of Lowe's Home Centers, Inc. (Applicant) as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Commission Act (Act), Chapter 716 of the Acts of 1989, as amended and Sections 3 and 7 of the *Enabling Regulations* Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013). This decision was rendered pursuant to a 8 to 6 vote of the Commission on January 9, 2014.

### **PROJECT DESCRIPTION**

As described on the *DRI Referral Form* received from the Town of Dennis, the proposed project is located on a 15.2 acre site on Theophilus F. Smith Road in Dennis (the Project Site). As shown on plans submitted to the Commission on November 6, 2013, the proposed project consists of the construction of a building with an approximately 106,609 square foot footprint, including a proposed Garden Center and other areas for a Lowe's Home Improvement store with 361 parking spaces. A cover letter accompanying the Applicant's November 6, 2013 plans submissions also states that the "*site plans have...been revised to reduce the parking area by fifty (50) parking spaces....A note has been added to the Overall Site Plan, Drawing SP-2 ALT, stating that the applicant has agreed to seek a waiver from the Dennis Planning Board for permission to reduce the parking from 361 spaces to 311 spaces.*" The Applicant's November 6, 2013 *Overall Site Plan* and materials submitted therewith also indicates 112,179 square feet of gross floor area on the site for office use, including a 5,570 square foot mezzanine and a separate 1,600 square foot liner building.

### **PROCEDURAL HISTORY**

The Commission received a referral of the proposed project as a Development of Regional Impact (DRI) from the Dennis Planning Board, through the Planning Board Chair, Bob Mezzardi, on May 9, 2013. The Commission received a DRI application on May 13, 2013. Commission staff sent a letter to the Applicant's representative, Brian McCarthy of RJ O'Connell & Associates, dated May 28, 2013, stating that the DRI application was not complete in the area of Transportation. On June 4, 2013, the Applicant's consultants submitted additional transportation information. The DRI application was deemed complete on June 11, 2013.

A Subcommittee of the Commission was formed on June 6, 2013. The Subcommittee conducted a site visit to the proposed project site on July 16, 2013. A duly noticed public hearing on the DRI application was held on July 16, 2013 at the Nathaniel H. Wixon Innovation School Auditorium, Dennis, MA. At this hearing, the Subcommittee heard testimony and comments from Commission staff, the Applicant's representatives, Town officials and members of the public. The Subcommittee voted to continue the hearing to July 30, 2013 at the Nathaniel H. Wixon Innovation School Auditorium, Dennis, MA.

The Subcommittee held a continued public hearing on July 30, 2013 to hear testimony and discuss the proposed project. At this hearing, the Subcommittee heard testimony and comments from Commission staff, the Applicant's representatives, Town officials and members of the public. At this hearing, the Subcommittee voted to continue the hearing to August 22, 2013 at the Dennis-Yarmouth Regional High School in Yarmouth.

The Subcommittee held a continued public hearing on August 22, 2013 to hear testimony and discuss the proposed project. At this hearing, the Subcommittee heard testimony and

comments from Commission staff, the Applicant's representatives, Town officials and members of the public. At this hearing, the Subcommittee voted to continue the hearing to September 12, 2013 at the Nathaniel H. Wixon Innovation School Auditorium, Dennis, MA.

The Subcommittee held a continued public hearing on September 12, 2013 to hear testimony and discuss the proposed project. At this hearing, the Subcommittee heard testimony and comments from Commission staff, the Applicant's representatives, Town officials and members of the public. At this hearing, the Subcommittee voted to continue the hearing to September 25, 2013 at the Nathaniel H. Wixon Innovation School Auditorium, Dennis, MA.

The Subcommittee held a continued hearing on September 25, 2013 to hear testimony and discuss the proposed project. At this hearing, the Subcommittee heard testimony and comments from Commission staff, the Applicant's representatives, Town officials and members of the public. At this hearing, the Subcommittee voted to continue the hearing to October 2, 2013 at 4:00 PM at the Cape Cod Commission office where the Hearing would be closed by a Hearing Officer. The Subcommittee also voted to keep the record open after October 2, 2013 for two limited purposes: 1) if between September 25, 2013 and October 2, 2013, the Applicant or others make additional filings, the record will remain open for one week from receipt by the Commission of that submission for any written responses from anyone, including but not limited to the Applicant, Town officials, and the public, and 2) the submission of any information requested by the Subcommittee during its deliberations during the decision period of this proposed project. The Subcommittee also voted that if the Subcommittee requests any additional information, the record will also be open for the limited period of five calendar days from submission of that information to anyone who wishes to respond to that submitted responsive information.

On October 2, 2013 Commission staff acted as a Hearing Officer to procedurally close the Hearing, but also to keep the record open after October 2, 2013 for the two limited purposes enumerated by the Subcommittee.

The Subcommittee held a meeting on October 10, 2013 to discuss and deliberate on the proposed project. At this meeting, the Subcommittee made recommendations to the Commission for findings on the proposed project with respect to the 2009 Regional Policy Plan (as amended August 17, 2012) (RPP) issue areas of Economic Development, Wetlands, Wildlife and Plant Habitat, Open Space, Solid Waste Management, Hazardous Waste Management, Energy, and Affordable Housing. The Subcommittee also voted to approve, with corrections, the Subcommittee meeting Minutes of July 16, 2013, July 30, 2013, August 22, 2013, September 12, 2013 and September 25, 2013. The Subcommittee also voted to hold another meeting on October 21, 2013.

The Subcommittee held a meeting on October 21, 2013 to discuss and deliberate on the proposed project, and make recommendations to the Commission for findings with respect to RPP issue areas of Affordable Housing, Water Resources, Hazardous Materials, Economic Development, and Coastal and Marine Resources. The Subcommittee voted to hold another meeting on October 24, 2013, as well as Subcommittee meetings on November 4, 2013 and November 7, 2013.

The Subcommittee held a meeting on October 24, 2013 to discuss and deliberate on the proposed project, and to make recommendations to the Commission for findings with respect to RPP issue areas of Affordable Housing, Plant and Wildlife Habitat, Transportation, and

Heritage Preservation and Community Character. The Subcommittee voted to hold another meeting on October 29, 2013.

The Subcommittee held a meeting on October 29, 2013 to discuss and deliberate on the proposed project, and to make recommendations to the Commission for findings with respect to RPP issue areas of Heritage Preservation and Community Character, Land Use, Exterior Lighting, and Transportation. The Subcommittee voted to hold another meeting on November 1, 2013.

The Subcommittee held a meeting on November 1, 2013 to discuss and deliberate on the proposed project, and to make recommendations to the Commission for findings with respect to the RPP issue area of Transportation. The Subcommittee voted to hold another meeting on November 4, 2013.

The Subcommittee held a meeting on November 4, 2013 to discuss and deliberate on the proposed project, and to make recommendations to the Commission for findings with respect to RPP issue areas of Transportation, Affordable Housing, Heritage Preservation and Community Character, and Land Use. The Subcommittee also made recommendations to the Commission for findings with regard to the criteria for DRI approval, including the proposed project's consistency with Dennis' Local Comprehensive Plan, with Districts of Critical Planning Concern, and with Dennis' Municipal Development Bylaws. The Subcommittee voted to hold another meeting on November 14, 2013.

The Subcommittee held a meeting on November 14, 2013 to discuss and deliberate on the proposed project, and to make recommendations to the Commission for findings with respect to the RPP issue area of Land Use. The Subcommittee voted to hold another meeting on November 21, 2013.

The Subcommittee held a meeting on November 21, 2013 to discuss and deliberate on the probable benefits and probable detriments of the proposed project. At this meeting, the Subcommittee also made recommendations to the Commission for findings as to the probable benefit and probable detriment of the proposed project. At this meeting, the Subcommittee also voted to recommend that the Commission find that the probable benefit of the proposed project is not greater than the probable detriment of the proposed project.

#### **MATERIALS SUBMITTED FOR THE RECORD**

The *Materials Submitted for the Record* are hereby appended as Exhibit A.

#### **WRITTEN MATERIALS SUBMITTED AT THE JANUARY 9, 2014 HEARING**

Letter, Nutter, McClennen and Fish: Comments on project/draft decision with attachments <i>Attachments: List of local businesses who belong to the Local Businesses for a Strong Cape Economy; Summary of Proposed Economic Detriments, Traffic Detriments, and Community Character Detriments (on yellow paper)</i>	1/9/14
Letter, APCC: Comments on project/draft decision	1/9/14
Letter, Dennis Conservation Trust ( <i>dated June 6, 2013</i> )	1/9/14

## TESTIMONY

### **July 16, 2013 Hearing**

Mr. Roy, Subcommittee Chair, opened the Subcommittee public hearing at 6:05 PM.

The Subcommittee heard a presentation on the proposed project from Deputy Director Kristy Senatori and Mr. Glenn Cannon, Director of Technical Services.

Mr. Roy noted that the Subcommittee members had conducted a site visit today to view the site of the proposed project.

The Subcommittee heard a presentation on the proposed project from Attorney Ford, representing the Applicant, Mr. Kroener, Mr. Robert Chamberlain, the property owner, Mr. Brian McCarthy, R.J. O'Connell, the Applicant's civil engineers, Mr. Perry Petrillo, the Applicant's architect, and Mr. Randall Hart, of VHB, the Applicant's transportation analyst.

The Subcommittee heard public testimony on the proposed project.

The Subcommittee voted unanimously to continue the public hearing to Tuesday, July 30, 2013 beginning at 6:00 PM at the Nathaniel H. Wixon Innovation School Auditorium, Dennis, MA.

The Subcommittee voted unanimously to adjourn the public hearing at 9:50 PM.

### **July 30, 2013 Hearing**

Mr. Roy, Subcommittee Chair, opened the continued Subcommittee public hearing at 6:10 PM.

The Subcommittee heard a presentation on the proposed project from Mr. Glenn Cannon, the Commission's Director of Technical Services, which dealt with Transportation.

The Subcommittee heard a presentation on the proposed project from Attorney Ford and Dr. Clyde Barrow, representing the Applicant.

The Subcommittee heard public testimony on the proposed project.

The Subcommittee voted unanimously to continue the public hearing to Thursday, August 22, 2013 beginning at 5:00 PM at the Dennis-Yarmouth Regional High School Auditorium, Yarmouth, MA.

The Subcommittee voted unanimously to adjourn the public hearing at 10:20 PM.

### **August 22, 2013 Hearing**

Mr. Roy, Subcommittee Chair, opened the continued Subcommittee public hearing at 5:15 PM.

The Subcommittee heard a presentation on the proposed project by Mr. Glenn Cannon, Director of Technical Services, who discussed Transportation.

The Subcommittee heard a presentation on the proposed project by Attorney Ford, Mr. Brian McCarthy, the Applicant's civil engineer, and Mr. Randy Hart, of VHB, who commented on the proposed project's transportation impacts.

The Subcommittee heard public testimony on the proposed project.

The Subcommittee voted unanimously to continue the public hearing to Thursday, September 12, 2013 beginning at 5:00 PM at the Nathaniel Wixon School Auditorium, Dennis, MA.

The Subcommittee voted unanimously to adjourn the public hearing at 8:15 PM.

### **September 12, 2013 Hearing**

Mr. Roy, Subcommittee Chair, opened the continued Subcommittee public hearing at 5:05 PM.

The Subcommittee heard a presentation on the proposed project by Mr. Glenn Cannon, Director of Technical Services, regarding Transportation.

The Subcommittee heard a presentation on the proposed project's Heritage Preservation and Community Character issues by Ms. Sarah Korjeff, the Commission's Historic Preservation Specialist.

The Subcommittee heard a presentation on the proposed project's Water Resources issues by Mr. James Sherrard, Jr., a Commission Hydrologist.

The Subcommittee heard a presentation by Ms. Leslie Richardson, the Commission's Chief Economic Development Officer, on her analysis of the Lowe's and FXM reports.

The Subcommittee heard a presentation on the proposed project on behalf of the Applicant by Attorney Ford, Mr. Brian McCarthy, RJ O'Connell, the Applicant's civil engineer, and Dr. Clyde Barrows who presented further economic development comments.

The Subcommittee heard a presentation by Mr. Frank Mahady, FXM, on his economic analysis.

The Subcommittee asked questions on the information presented of the Applicant's representatives and Commission staff.

The Subcommittee heard testimony on the proposed project from members of the public.

The Subcommittee voted unanimously to continue the public hearing to Wednesday, September 25, 2013 beginning at 5:00 PM at the Nathaniel Wixon School Auditorium, Dennis, MA for the purpose of new testimony.

The Subcommittee voted unanimously to adjourn the hearing at 7:45 PM.

### **September 25, 2013 Hearing**

Mr. Roy, Subcommittee Chair, opened the continued Subcommittee public hearing at 5:00 PM. He said the hearing would be continued to October 2, 2013 at 4:00 PM at the Cape Cod Commission office where the hearing would be closed by a Hearing Officer. Mr. Roy also explained that the record would remain open after October 2, 2013 for two limited purposes: 1) if between September 25, 2013 and October 2, 2013, the Applicant or others make additional filings, the record will remain open for one week from receipt by the Commission of that submission for any written responses from anyone, including but not limited to the Applicant, Town officials, and the public, and 2) the submission of any information requested by the Subcommittee during its deliberations during the decision period of this proposed project. Mr. Roy also noted that if the Subcommittee requests any additional information, the record will

also be open for the limited period of five calendar days from submission of that information to anyone who wishes to respond to that submitted responsive information.

The Subcommittee heard a presentation on the proposed revisions to the proposed project on behalf of the Applicant from Attorney Ford, Mr. Brian McCarthy, RJ O'Connell, Mr. Petrillo, the proposed project architect, and Mr. Hart, VHB.

The Subcommittee heard a presentation on the revisions to the proposed project from Kristy Senatori, Deputy Director, Mr. Glenn Cannon, Director of Technical Services, and Ms. Rooney, the Commission's Chief Planner.

The Subcommittee heard testimony on the proposed project from Mr. Fortier, Dennis Town Planner, who also submitted his comments in writing for the record.

The Subcommittee heard testimony on the proposed project from members of the public.

The Subcommittee voted unanimously to continue the public hearing to October 2, 2013 at 4:00 PM at the Commission office where the hearing would be closed by a Hearing Officer, and the record would remain open after October 2, 2013 for two limited purposes: 1) if between September 25, 2013 and October 2, 2013, the Applicant or others make additional filings, the record will remain open for one week from receipt by the Commission of that submission for any written responses from anyone, including but not limited to the Applicant, Town officials, and the public, and 2) the submission of any information requested by the Subcommittee during its deliberations during the decision period of this proposed project.

The Subcommittee voted unanimously to adjourn the public hearing at 8:30 PM.

### **October 10, 2013 Subcommittee Meeting**

Mr. Roy, Subcommittee Chair, opened the Subcommittee meeting at 10:05 AM.

The Subcommittee voted unanimously to approved the draft Minutes of July 16, 2013.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Economic Development.

The Subcommittee postponed consideration of MPS ED1.4 until a subsequent Subcommittee meeting, and after the Subcommittee had had the opportunity to further discuss the Water Resources issues.

The Subcommittee decided to postpone consideration of the Coastal Resources Minimum Performance Standards until a subsequent Subcommittee meeting.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Wetlands.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Wildlife and Plant Habitat.

The Subcommittee deliberated on the proposed project's conformance with MPS WPH1.6 which addresses the management of invasive species, in this case, plant species.

Attorney Wielgus said there were two issues for the Subcommittee to consider in the management of invasive species on the site: 1) did the Applicant have a management plan, and 2) could the plan potentially result in the eradication of the invasive species.

Attorney Ford suggested the Applicant could take back the Subcommittee's comments, revise and re-submit the invasive species management plan. He said staff could then re-review the revised plan. The subcommittee agreed with this proposal and requested that information.

Attorney Wielgus said the Subcommittee is allowed to receive additional information in response to the request for more information, which then allows a five day period for others to comment on that new information. Based on this, she suggested that discussion of MPS WPH1.6 be tabled to a later Subcommittee meeting.

The Subcommittee decided to table discussion of MPS WPH1.6 to a later Subcommittee meeting.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Open Space.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Solid Waste Management.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Hazardous Materials and Waste Management.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Energy.

The Subcommittee decided that the issues of Exterior Lighting, Sign Design, and Sign Lighting be continued to the next scheduled Subcommittee meeting on October 21, 2013 to allow the Applicant to submit additional materials on the proposed sign design, sign lighting, and exterior lighting for the proposed liner building.

The Subcommittee deliberated on and made recommendations to the Commission for findings with respect to the proposed project's conformance with Minimum Performance Standards in the RPP issue area of Affordable Housing.

Attorney Wielgus discussed the definitions of *Redevelopment* and *Developed Area* as they appear in the RPP. She said this was discussed in more detail in the July 9, 2013 and September 25, 2013 staff reports.

The Subcommittee postponed the rest of the Affordable Housing discussion to the next

Subcommittee meeting.

The Subcommittee decided the order of topics for the October 21, 2013 Subcommittee meeting would be Minimum Performance Standard compliance in the RPP issue areas of Affordable Housing, Water Resources, Transportation, Coastal Resources/Marine Resources and Exterior Lighting.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 12:30 PM.

**October 21, 2013 Subcommittee Meeting**

The Subcommittee heard on Affordable Housing issues from Commission Counsel, Attorney Jessica Wielgus, relative to the definitions of *Redevelopment*, *Developed Area* and *Change of Use*, set forth in the RPP.

The Subcommittee deliberated on whether or not the proposed project met the RPP definition of Developed Area.

Following a discussion regarding the existence of any buildings on the site, the Subcommittee voted unanimously to recommend that the Commission find the proposed development site does not contain buildings for the purposes of the definition of *Developed Area* as defined in the Regional Policy Plan.

The Subcommittee discussed whether or not the proposed development contained “paved parking” within the meaning of the definition of *Developed Area*.

Upon a duly seconded motion, the Subcommittee voted unanimously to recommend that the Commission find that the proposed development does not contain paved parking for the purposes of the definition of *Developed Area* as defined in the Regional Policy Plan.

The Subcommittee discussed whether or not the proposed development contained development-related infrastructure for the purposes of the definition of *Developed Area*.

The Subcommittee heard from Mr. Sherrard, Commission Hydrologist, on whether the site currently contains development-related infrastructure.

The Subcommittee voted unanimously to recommend that the Commission find that the proposed development contains development-related infrastructure for the purposes of the definition of *Developed Area* as defined in the Regional Policy Plan.

The Subcommittee heard from Attorney Ford, the Applicant’s Counsel, on whether the proposed project was a *Change of Use*.

The Subcommittee voted to recommend that the Commission find the proposed Lowe’s proposed project site was transitioning from retail use to retail use; therefore there was no *Change of Use*. Mr. Harris voted opposed.

The Subcommittee voted to recommend that the Commission find that the proposed project is not *Redevelopment*, as the Applicant proposes to construct on portions of the site that are not *Developed Area* as defined by the Regional Policy Plan, as amended. Mr. Harris abstained.

The Subcommittee heard from Mr. Sherrard, Commission Hydrologist, on the proposed project's Water Resources issues.

The Subcommittee deliberated and made recommendations for findings to the Commission with respect to the proposed project's conformance with the Minimum Performance Standards in the RPP issue area of Water Resources.

Mr. James Sherrard, Hydrologist with the Commission, made a presentation on the Applicant's request for flexibility in the use of actual wastewater flows in lieu of Title 5 data in its application of Water Resources MPS.

Attorney Wielgus discussed the requirements of the RPP Flexibility Clause.

The Subcommittee voted unanimously to recommend that the Commission find that allowing the Applicant to apply actual wastewater flows as an alternative approach to meeting the Critical Nitrogen Loading Rate is not more detrimental to the protected resource than would be allowable under the applicable Minimum Performance Standard, and that the Applicant has met its burden to apply the Flexibility Clause of the RPP, as amended, to MPS WR3.1 and MPS WR5.1 by funding the installation and maintenance of a de-nitrifying septic system at 226 Old Bass River Road.

The Subcommittee deliberated and made recommendations to the Commission for findings on the RPP issue area of Economic Development and MPS ED1.4.

The Subcommittee voted unanimously to recommend that the Commission find that the proposed project is located next to the current terminus of the Cape Cod Rail Trail, and that the development will not eliminate/significantly impair the current and future functioning of working agricultural land, working waterfronts and harbors, or fin- and shell-fishing grounds and recreational areas.

The Subcommittee deliberated on the RPP issue area of Coastal Resources.

Mr. Cannon submitted a Commission Transportation staff Memo dated 10/21/13 to the record in response to the Applicant's 10/16/13 supplemental information submitted to the record, and distributed copies of this Memo to the Subcommittee.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 12:45 PM.

#### **October 24, 2013 Subcommittee Meeting**

The Subcommittee voted unanimously to recommend that the Commission that MPS WR7.7 does not apply because the proposed project is not *Redevelopment*, as defined in the RPP.

The Subcommittee continued its deliberations on the proposed project's consistency with the RPP and MPS in the area of Affordable Housing.

The Subcommittee voted unanimously to recommend that the Commission find that according to MPS AH3.5, the change from the previous the Inflatable Park/Play Zone use to the proposed Retail use is considered to be a *Change of Use*.

The Subcommittee voted unanimously to recommend the Commission find that, in accordance with the methodology in MPS AH3.1 and Technical Bulletin 10-001, as amended, the mitigation credit for the Inflatables Park/Play Zone is \$20,040, calculated as:

Per square foot mitigation:  $\$2.51 \times \left( \frac{8}{16,700/1,000} \right) = \$1.20$  per square foot.

Inflatable park use area (16,700 square feet) X \$1.20 = \$20,040.

The Subcommittee voted unanimously to recommend that the Commission find that, in accordance with the methodology in MPS AH3.1 and Technical Bulletin 10-001, as amended, the proposed project's Affordable Housing mitigation is \$607,799 - \$20,040 = \$587,759.

The Subcommittee deliberated on the RPP issue area of Wildlife and Plant Habitat, specifically, MPS WPH1.6.

The Subcommittee heard from Ms. McElroy, the Commission's Natural Resources Planner, on MPS WPH1.6, relating to management of invasive species.

The Subcommittee voted to recommend that the Commission find that the Applicant has provided an invasive species management plan that meets the requirements of MPS WPH1.6. Ms. Taylor voted against the motion. Mr. Roy, Mr. Richardson, Mr. Harris and Mr. Short voted for the motion.

The Subcommittee continued its deliberations and made recommendations for findings to the Commission with respect to the RPP issue area of Transportation.

The Subcommittee heard from Mr. Cannon, Director of Technical Services.

At 4:15 PM, after making a recommendation for a finding to the Commission on MPS TR3.16, the Subcommittee agreed to postpone the remainder of the Transportation discussion to the next Subcommittee meeting and to take up the discussion of Community Character in the remaining time.

The Subcommittee deliberated and made recommendations for findings to the Commission on Heritage Preservation and Community Character issues.

The Subcommittee heard from Ms. Korjeff, the Commission's Historic Preservation Planner.

The Subcommittee voted unanimously to recommend that the Commission find the additional landscaping and buffering provided on the Applicant's 9/20/13 plan revisions to limit visibility from the Cape Cod Rail Trail, and further that the Commission find that the interests protected by MPS HPCC2.6 relative to the right or south side wall of the Lowe's building may be achieved by an alternate approach, and that as proposed, it is not more detrimental to the protected resources than would be allowable under MPS HPCC2.6, and that therefore it is appropriate to use the Flexibility Clause for this facade.

The Subcommittee agreed to resume its discussion of Transportation issues at the next Subcommittee meeting.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 4:45 PM.

**November 1, 2013 Subcommittee Meeting**

The Subcommittee heard from Mr. Hart and Mr. Kealey of VHB on the Applicant's proposal to reconfigure the entrance to Airline Road from Route 134 with Airline Road in its current location.

The Subcommittee heard from Commission Transportation staff on the Applicant's proposal to reconfigure the entrance to Airline Road from Route 134 with Airline Road in its current location.

The Subcommittee asked questions of the Commission staff and Applicant about the proposal to reconfigure the entrance to Airline Road from Route 134 with Airline Road in its current location.

The Subcommittee heard comments from Mr. Fortier, the Dennis Town Planner, on the Applicant's proposal to address the safety issues at the Route 134 and Airline Road intersection.

The Subcommittee voted to recommend that the Commission find that the safety mitigation proposal as presented in the October 8, 2013 Memorandum from VHB and depicted on Figure 3, thereto, does not mitigate the degradation of safety caused by the additional proposed project-generated trips that would travel through the intersection of Route 134 and Airline Road as required by MPS TR1.1. Mr. Roy, Mr. Richardson, Mr. Short and Ms. Taylor voted in favor of the motion. Mr. Harris abstained.

The Subcommittee voted to recommend to the Commission that the safety mitigation proposal as presented in the October 8, 2013 Memorandum from VHB and depicted on Figure 3A, thereto, does not mitigate the degradation of safety caused by the additional proposed project-generated trips that would travel through the intersection of Route 134 and Airline Road as required by MPS TR1.1. Mr. Roy, Mr. Richardson, Mr. Short and Ms. Taylor voted in favor of the motion. Mr. Harris abstained.

The Subcommittee deliberated upon giving Lowe's the option of constructing a roundabout or a signal if the relocation of Airline Road should not be accomplished.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 12:05 PM.

**November 4, 2013 Subcommittee Meeting**

The Subcommittee continued its discussion and deliberations on the RPP issue area of Transportation and the potential relocation of Airline Road.

The Subcommittee heard from Commission Transportation staff on the proposed solutions to the intersection of Airline Road and Route 134.

The Subcommittee heard from the Applicant's Attorney, Michael Ford on the proposed solutions to the intersection of Airline Road and Route 134.

The Subcommittee heard from the Dennis Town Planner, Mr. Fortier on the proposed solutions to the intersection of Airline Road and Route 134.

The Subcommittee voted to recommend to the Commission that the Commission find that based on the Applicant's commitment to implement the safety improvements at the relocation of Airline Road prior to issuance of a Final Certificate of Compliance, the proposed project complies with MPS TR1.1 and MPS TR2.7, and that the Applicant may construct a signal or roundabout at the intersection of Route 134 and Airline Road that meets current design standards and the RPP in lieu of relocating Airline Road and Route 134. Mr. Roy, Mr. Richardson, Mr. Harris, and Mr. Short voted in favor of the motion. Ms. Taylor voted against the motion.

Based on revisions to the Transportation mitigation, the Commission staff then reviewed the previously discussed Minimum Performance Standards which were affected by this change.

The Subcommittee heard testimony from Commission staff on the proposed project's consistency with MPS TR3.12, which requires consistency with other plans including with the Metropolitan Planning Organization's latest Regional Transportation Plan.

The Subcommittee heard from Ms. Sarah Korjeff, the Commission's Historic Preservation Planner, on the proposed project's consistency with the Heritage Preservation and Community Character standards as it relates to RPP MPS TR3.12. Ms. Korjeff discussed the location of the Airline Road and Route 134 intersection relative to the Old Kings Highway Historic District and the RPP Heritage Preservation and Community Character standards.

The Subcommittee heard from Mr. Fortier, the Dennis Town Planner, on the proposed relocation of Airline Road at Route 134 relative to the Dennis Local Comprehensive Plan.

The Subcommittee voted unanimously to recommend to the Commission that based on the testimony, the roadway infrastructure proposal is consistent with local and regional plans and that it is appropriate to condition the proposed project to comply with MPS TR3.12.

The Commission considered the Applicant's supplemental information submitted on October 29, 2013 to changes to the liner building, supplemental landscaping plans, and supplemental transportation information and its effect upon their prior findings on the proposed project.

The Subcommittee voted unanimously to recommend that the Commission find that the mitigation payment amount required by MPS TR0.4 and MPS TR2.2 be revised to \$1,592,000.00 (3,184 net new daily trips x \$500 per daily trip) and that the corresponding number in MPS TR3.15 be revised to \$1,194,000 (\$1,592,000 x 0.75) to reflect the changes in the proposed liner building.

The Subcommittee heard testimony from Mr. Ruchinskas, the Commission's Affordable Housing Specialist, on the proposed project's adjusted Affordable Housing mitigation based on the Liner building being reduced in size to 1,600 square feet and its use changing.

The Subcommittee voted unanimously to adopt the testimony of Commission staff, to adjust the calculation of the Affordable Housing mitigation and credit amounts, and to recommend that the Commission find that the proposed project, if approved, is required to provide \$580,749 as Affordable Housing mitigation consistent with MPS AH3.1.

The Subcommittee voted to recommend that the Commission adopt the testimony of Commission staff and find compliance with MPS HPCC2.10, and find the Applicant's 10/29/13

revised Landscape Plan includes additional plantings along the Cape Cod Rail Trail, and that the species selected comply with HPCC2.5 and HPCC2.10.

The Subcommittee voted unanimously to recommend that the Commission find that there are no cultural landscapes on or adjacent to the proposed project site, and recommends that while the Commission find that the nearby South Dennis Historic District and Old Kings Highway Historic District do contain cultural landscapes, there are no physical transportation improvements proposed within the nearby South Dennis Historic District, and transportation improvements proposed within the Old Kings Highway Historic District are limited to narrowing pavement at one intersection and replacing an existing mast arm, and the potential relocation of Airline Road, none of which will impact any character-defining features of cultural landscapes in the District, and thus complies with MPS HPCC1.2 (Cultural Landscapes).

The Subcommittee voted unanimously to recommend that the Commission find that the proposed project does not propose off-site transportation improvements that will impact the existing character of local and regional roadways, and further that the proposed narrowing of pavement, replacement of an existing mast arm within the Old Kings Highway Historic District, and potential relocation of Airline Road are not significant changes to the existing character such that the proposed project is in compliance with MPS HPCC2.2 (Protection of Existing Roadway Character).

The Subcommittee heard testimony from Ms. Rooney, the Commission's Chief Planner, and Ms. Korjeff on the RPP issue area of Land Use.

The Subcommittee heard testimony from Mr. Fortier, the Dennis Town Planner that the Lowe's site is zoned Industrial, and that residential uses are not allowed in the Industrial District.

The Subcommittee heard testimony from the Applicant's Attorney, Michael Ford, on the potential applicability of MPS LU1.2 to the proposed project. Attorney Ford said the Applicant could increase the size of the mezzanine in the Lowe's building to approximately 5,500 square feet, but that in doing so, the bulk of the mezzanine would remain unused space. He said this was because the store couldn't really move useful functions to the mezzanine area. He said the Applicant was willing to submit revised plans showing this redesign. Attorney Ford also stated that the Applicant would agree to another extension of the decision period.

The Subcommittee heard testimony from Mr. Fortier, the Dennis Town Planner, who said that if the number of parking spaces was reduced, this could be handled by Dennis's Site Plan Review and would not trigger the need for a Special Permit. He noted that the extra space that was not built out as parking would have to be set aside in reserve should the parking area need to be expanded back up to the Town's requirements.

The Subcommittee voted to direct the Applicant to provide revised site plans showing a reduction in the proposed parking field and an increase in the mezzanine in the Lowe's building. Mr. Roy, Mr. Harris, Mr. Richardson and Mr. Short voted in favor of the motion. Ms. Taylor voted against the motion.

The Subcommittee heard testimony from Ms. Rooney, the Chief Planner, on whether or not Town of Dennis has a Commission-certified Local Comprehensive Plan.

The Subcommittee voted to recommend that the Commission find that the Town of Dennis did not have a Commission certified Local Comprehensive Plan and therefore the requirement that the proposed project be consistent with the Dennis Local Comprehensive Plan does not apply to the proposed project.

The Subcommittee voted to recommend that the Commission find that the proposed development is consistent with municipal development bylaws; and that the proposed development is located in whole or in part within a designated District of Critical Planning Concern; and that because no regulations have been adopted, the proposed project is not required to be consistent with regulations approved or adopted by the Commission pursuant to Section 11 of the Act.

Mr. Roy, the Subcommittee Chair, announced that based on the Subcommittee's request to the Applicant to submit revised plans showing a reduction in the parking field and a change to the Lowe's mezzanine and the requirement to allow a five-day comment period to respond, the previously scheduled Subcommittee meetings of November 7, 2013 and November 8, 2013 would be cancelled.

The Subcommittee also announced that its next meeting would be on Thursday, November 14, 2013 at 1:00 PM at the Assembly of Delegates Chamber, First District Courthouse, Barnstable.

The Subcommittee voted unanimously that the Commission seek an extension of the decision period on the proposed project from the Applicant until the close of business on January 31, 2013.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 12:50 PM.

#### **November 14, 2013 Subcommittee Meeting**

Mr. Roy, the Subcommittee Chair, announced the schedule of future Subcommittee meetings. He noted that the previously scheduled Subcommittee meeting on November 21, 2013 would occur, but that the previously scheduled Subcommittee meeting on November 22, 2013 was cancelled.

The Subcommittee discussed and deliberations on the RPP issue area of Land Use.

The Subcommittee heard a presentation from the Applicant's Attorney, Michael Ford, and Brian McCarthy, RJ O'Connell, the Applicant's site engineer, on the Applicant's proposed revisions to the proposed project as described in the supplemental information submitted to the record on November 6, 2013. They noted that the Lowe's footprint had been reduced in size, the mezzanine increased in size to 5,500 square feet, and the liner building had been reduced to 1,600 square feet. Mr. McCarthy also noted that the Site Plan had been amended to show a proposed reduction in the parking by 50 spaces.

The Subcommittee heard testimony on the Applicant's November 6, 2013 proposed revisions to the proposed project from Ms. Rooney, the Commission's Chief Planner, and Ms. Korjeff, the Commission's Historic Preservation Specialist.

The Subcommittee voted unanimously to recommend that the Commission find that MPS LU1.2 has been met because the development has been clustered on the site with adjacent uses to the maximum extent possible by incorporating features such as multi-story buildings, mixed use

development, limited or shared parking, minimal street setbacks, and a pedestrian friendly design that encourages walking, biking and transit.

Mr. Roy, the Subcommittee Chair, announced that the next Subcommittee meeting would be on Thursday, November 14, 2013 at 1:00 PM at the Assembly of Delegates Chamber, First District Courthouse, Barnstable. He said this meeting would be used to deliberate on the proposed project's probable benefits and probable detriments.

The Subcommittee voted unanimously to adjourn the Subcommittee meeting at 1:50 PM.

### **November 21, 2013 Subcommittee Meeting**

Commission counsel, Jessica Wielgus, advised the subcommittee on the process for determining whether the probable benefit of the proposed project is greater than the probable detriment of the proposed project. She pointed them to the RPP, which states that *"the Commission, may, in its discretion, consider Best Development Practices (BDP) that exceed the Minimum Performance Standards in its analysis of benefits and detriments"*.

The Subcommittee deliberated on the probable benefits and probable detriments of the proposed project, based on all the evidence before it. The Subcommittee voted to recommend that the Commission find that the probable benefits of the proposed development are:

- BDP Water Resources WR1.10: Wastewater and Stormwater Reuse
- BDP Water Resources WR1.6: Management of Water Withdrawals/Wastewater Discharges
- BDP Water Resources WR1.8: Alternatives to Chemical Fertilizers and Pesticides
- BDP Water Resources WR5.6: Chapter 21-E Site Assessments
- BDP Transportation TR1.10: Transportation Safety
- BDP Transportation TR2.16: Alternate Modes of Travel
- BDP Transportation TR2.19: Preferred Parking for Carpools/Van Pools
- Tax revenue coming in from this project that will support ongoing financial governance of the Town of Dennis
- Erected in an Economic Development Region that meets the specifications and Goals of the Regional Policy Plan
- Site as planned will be an improvement to the area
- Lowe's project would provide competitive pricing in the building industry in this area
- Parking area at the proposed Lowe's would provide additional parking at the Cape Cod Rail Trail

The Subcommittee voted to recommend that the Commission find that the probable detriments from the proposed development are:

- Wages and type of employment (part-time vs. full-time)
- Pay scale low for the types of jobs offered compared to County and Statewide averages
- Market saturated for building supply industry
- Negative impacts on existing building supply businesses
- Increased traffic on Route 134 and surrounding roadways
- Delays in travel time
- Inconsistent with the small-town character of Dennis

- Addition of right-turn lane on Route 134 northbound towards Theophilus F. Smith Road
- Increased traffic on Gages Way and Great Western Road will impact Cape Cod Rail Trail crossing
- Does not meet the intent of the Dennis Local Comprehensive Plan
- Increased traffic on Route 6 and Route 6A and related tie-ups that would be caused

The Subcommittee voted to recommend that the Commission find that the probable benefit of the proposed development is not greater than the probable detriment of the proposed project.

### **JURISDICTION**

The proposed project qualifies as a DRI pursuant to Section 3(e)(i) of the Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) "as new construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet."

### **FINDINGS**

The Commission has considered the DRI application for the proposed Lowe's and related site development, and based on the information presented at the public hearings and submitted for the record to date, makes the following findings, pursuant to Sections 12 and 13 of the Act and Sections 3 and 7 of the *Enabling Regulations*:

#### **General Findings**

GF1. As the date of the first substantive public hearing on the proposed project was July 16, 2013, the proposed project was reviewed subject to the 2009 RPP, as amended in August 2012, which is the RPP in effect at the time of the first substantive public hearing on the proposed project.

GF2. As described on the *DRI Referral Form* received from the Town of Dennis, the proposed project is located on a 15.2 acre site on Theophilus F. Smith Road in Dennis (the Project Site). As shown on plans submitted to the Commission on November 6, 2013, the proposed project consists of the construction of a building with an approximately 106,609 square foot footprint, including a proposed Garden Center and other areas for a Lowe's Home Improvement store with 361 parking spaces. A cover letter accompanying the Applicant's November 6, 2013 plans submissions also states that the "site plans have...been revised to reduce the parking area by fifty (50) parking spaces....A note has been added to the Overall Site Plan, Drawing SP-2 ALT, stating that the applicant has agreed to seek a waiver from the Dennis Planning Board for permission to reduce the parking from 361 spaces to 311 spaces." The Applicant's November 6, 2013 *Overall Site Plan* and materials submitted therewith also indicates 112,179 square feet of gross floor area on the site for *Retail* use including a 5,570 square foot mezzanine and a separate 1,600 square foot liner building.

GF3. Based on evidence in the record, the Commission finds while the Town of Dennis (Town) submitted a draft Local Comprehensive Plan (LCP) dated November 7, 2001 for Preliminary Certification review on January 9, 2002, this LCP was not submitted to the Commission for Final Certification review, as required by the Cape Cod Commission Local Comprehensive Plan Regulations (adopted 2/18/93 as revised 3/31/05).

GF4. The Commission adopts the analysis of Commission staff in a Memorandum dated August 15, 2013 concerning whether or not the Town has adopted a Local Comprehensive Plan which has been certified by the Commission as consistent with the RPP, and finds that, based on Commission staff's review, the Town does not have a Local Comprehensive Plan that has been certified by the Commission as consistent with the RPP.

GF5. Based on an April 24, 2013 Memorandum from Daniel Fortier, Dennis Town Planner, the Commission finds that the proposed development site is not located within a designated District of Critical Planning Concern in the Town, but is within the Cape-wide Fertilizer Management District of Critical Planning Concern.

GF6. The Commission finds that although the property is located in the Cape-wide Fertilizer Management District of Critical Planning Concern, as of the date of this decision, no Implementing Regulations have been approved by the Commission; therefore there are no regulations with which the proposed project needs to comply.

GF7. The Commission adopts the April 24, 2013 Memorandum and subsequent testimony from Daniel Fortier, Dennis Town Planner, and finds that the proposed project is consistent with Dennis' Municipal Development Bylaws. Mr. Fortier's testimony at the November 4, 2013 Subcommittee meeting also indicates that *"if the number of parking spaces was reduced, this could be handled by Dennis's Site Plan Review and would not trigger a Special Permit. He noted the extra space that was not built out as parking would have to be set aside in reserve should the parking area need to be expanded back up to the Town's requirements."*

GF8. The Commission finds that the RPP states *"the Commission, may, in its discretion, consider Best Development Practices (BDP) that exceed the Minimum Performance Standards in its analysis of benefits and detriments"*.

GF9. The Commission finds that based on the analysis of Commission staff the proposed project meets the following BDP's:

- BDP Water Resources WR1.10: Wastewater and Stormwater Reuse
- BDP Water Resources WR1.6: Management of Water Withdrawals/Wastewater Discharges
- BDP Water Resources WR1.8: Alternatives to Chemical Fertilizers and Pesticides
- BDP Water Resources WR5.6: Chapter 21-E Site Assessments
- BDP Transportation TR1.10: Transportation Safety
- BDP Transportation TR2.16: Alternate Modes of Travel
- BDP Transportation TR2.19: Preferred Parking for Carpools/Van Pools

GF10. The Commission finds that the probable benefits of the proposed development are:

- BDP Water Resources WR1.10: Wastewater and Stormwater Reuse
- BDP Water Resources WR1.6: Management of Water Withdrawals/Wastewater Discharges
- BDP Water Resources WR1.8: Alternatives to Chemical Fertilizers and Pesticides
- BDP Water Resources WR5.6: Chapter 21-E Site Assessments
- BDP Transportation TR1.10: Transportation Safety
- BDP Transportation TR2.16: Alternate Modes of Travel
- BDP Transportation TR2.19: Preferred Parking for Carpools/Van Pools

- Tax revenue coming in from this project that will support ongoing financial governance of the Town of Dennis
- Erected in an Economic Development Region that meets the specifications and Goals of the Regional Policy Plan
- Site as planned will be an improvement to the area
- Lowe's project would provide competitive pricing in the building industry in this area
- Parking area at the proposed Lowe's would provide additional parking at the Cape Cod Rail Trail

GF11. The Commission finds that the probable detriments from the proposed development are:

- Wages and type of employment (part-time vs. full-time)
- Pay scale low for the types of jobs offered compared to County and Statewide averages
- Market saturated for building supply industry
- Negative impacts on existing building supply businesses
- Increased traffic on Route 134 and surrounding roadways
- Delays in travel time
- Inconsistent with the small-town character of Dennis
- Addition of right-turn lane on Route 134 northbound towards Theophilus F. Smith Road
- Increased traffic on Gages Way and Great Western Road will impact Cape Cod Rail Trail crossing
- Does not meet the intent of the Dennis Local Comprehensive Plan
- Increased traffic on Route 6 and Route 6A and related tie-ups that would be caused

GF12. The Commission finds after public hearings and consideration of all the evidence before it that the probable benefit from the proposed development is not greater than the probable detriment.

### **Land Use Findings**

LUF1. The Commission finds that the proposed site is located within an Economic Center on the Regional Land Use Vision Map, approved by the Commission on March 4, 2011, and therefore, the proposed project is consistent with MPS LU1.1.

LUF2. The Commission finds that MPS LU1.2 has been met because the development has been clustered on the site with adjacent uses to the maximum extent possible by incorporating features such as multi-story buildings, and a pedestrian friendly design that encourages walking, biking and transit. The Commission further finds that the features of minimal setback from the street is not appropriate in this type of development due to the requirements for full screening, and that mixed use is not appropriate to this development because mixed use as defined by the Regional Policy Plan includes both residential and commercial uses. Mixed use with residential is not allowed by Dennis in the Industrial zoning district, and the Town of Dennis does not have the authority to grant use variances. The Commission also finds that the shared parking with Patriot's Square is not feasible because the owner of Patriot's Square leases parking areas to the various tenant uses, such that all of the parking spaces are already allocated to other stores.

LUF3. The Commission finds that the proposed development has met MPS LU2.1 because the site is an industrial zoned parcel within a designated Economic Center on the RPP's Regional Land Use Vision Map; wastewater will be addressed by a de-nitrification system; the public

water supply will be expanded; an onsite well is proposed for irrigation purposes and a new signal is proposed at Theophilus Smith Road. The Commission finds that these proposed expansions to existing infrastructure support compact development patterns and are consistent with the infrastructure needs of the proposed development and support the land use category and characteristics of Economic Centers as designated on the RPP's Land Use Vision Map, and that the proposed project is therefore consistent with MPS LU2.1.

LUF4. The Commission finds that telecommunications facilities are not presently proposed as part of the development, and therefore that MPS LU2.2 does not apply.

LUF5. The Commission finds that the proposed site is neither adjacent to a rural landscape, nor is it in active agricultural production, and therefore that MPS LU3.1 does not apply.

LUF6. The Commission finds that according to the 1983 Barnstable County Soil Survey, the site does not contain prime agricultural soils, and that neither the site, nor adjacent sites, has been used recently for agricultural purposes, and therefore, that MPS LU3.2 does not apply.

### **Economic Development Findings**

EDF1. The Commission finds that the proposed project complies with MPS ED1.1 because on the RPP's Land Use Vision Map, the proposed Project Site is located in an Economic Center.

EDF2. The Commission finds that the proposed development is not located in an Industrial and Service Trade Area on the RPP's Land Use Vision Map and therefore, MPS ED1.2 is not applicable to this proposed project.

EDF3. The Commission finds that MPS ED1.3 does not apply to the proposed development because it is located in an Economic Center on the RPP's Land Use Vision Map.

EDF4. The Commission finds that the proposed project is not adjacent to any working agricultural land, working waterfronts and harbors, or fin- and shell-fishing grounds. The Commission finds the proposed project is located next to the current terminus of the Cape Cod Rail Trail. The Commission further finds the development does not eliminate nor significantly impair the current and future functioning of working agricultural land, working waterfronts and harbors, or fin- and shell-fishing grounds and recreational areas, consistent with MPS ED1.4.

EDF6. The Commission finds that the proposed project does not involve Class III gaming and therefore that MPS ED2.1 is not applicable to this proposed project.

EDF7. The Commission finds that MPS ED4.1 does not apply because the proposed project does not entail the development of infrastructure or a capital facility.

### **Water Resources Findings**

WRF1. The Commission finds that the nitrogen loading calculations provided by the Applicant on September 20, 2013 include a Title 5 daily flow rate of 5,734 gallons per day and adjusted surface areas for roof, pavement, bioretention, maintained lawn and natural areas, which results in an updated proposed project nitrogen loading concentration of 4.49 ppm, below the general aquifer protection MPS limit of 5 ppm-N, and in compliance with MPS WR1.1.

WRF2. The Commission finds that the Applicant has demonstrated compliance with MPS WR1.2 by confirming there are no existing drinking water wells on abutting properties within 400 feet of the proposed Project Site.

WRF3. The Commission finds that the Applicant's proposed on-site irrigation well for landscaping purposes has a design demand of 2,000 gallons per day, and that as such, MPS WR1.3 for groundwater withdrawals of greater than 20,000 gallons per day does not apply to the proposed project.

WRF4. The Commission finds that MPS WR1.4 does not apply to the proposed project because the proposed project proposes no subdivisions of land.

WRF5. The Commission finds the Applicant's proposed Landscape Maintenance Contract/Maintenance Plan, as well as the Applicant's willingness to adjust the proposed landscape materials to use drought-tolerant and native species, meets the requirements for water conservation measures and minimized use of pesticides and fertilizers as required in MPS WR1.5.

WRF6. The Commission finds that because the proposed Project Site is not located within a Wellhead Protection Area, a Potential Public Water Supply Area, or a Freshwater Recharge Area as shown on the Water Resources Classification Map I in the RPP, the Minimum Performance Standards in Section 2 (Drinking Water Quality and Quantity), and Section 4 (Freshwater Ponds and Lakes) of the RPP's Water Resources Section do not apply to the proposed project.

WRF7. The Commission finds that because the proposed project does not require public or private wastewater treatment facility greater than 10,000 gallons per day to achieve nitrogen loading standards for a Marine Water Recharge Area that MPS WR3.6, MPS WR5.2 and Section 6 of the RPP do not apply to the proposed project.

WRF8. The Commission finds that the proposed project site is mapped as a Water Quality Impaired Area as shown on RPP Water Resources Classification Map II and is located within a Marine Water Recharge Area as shown on the RPP Water Resources Classification Map I; because the project is an Impaired Area within a mapped water resources area, MPS WR5.4 does not apply.

WRF9. The Commission finds that the proposed project proposes a connection to the public water supply through the Town of Dennis Water District, and no drinking water wells are proposed as part of the proposed project, and accordingly, that MPS WR5.5 does not apply.

WRF10. The Commission finds that because the Massachusetts Estuaries Program Critical Nitrogen Load is established for Bass River and because there is no Commission approved local nitrogen management plan for Bass River that MPS WR3.2, MPS WR3.3, and MPS WR3.5 do not apply.

WRF11. The Commission finds that a critical nitrogen load for the Bass River Estuary has been determined through the Massachusetts Estuary Proposed project Bass River Report, and that the critical loading limit is an expression of the mass of nitrogen an embayment ecosystem can assimilate without negative changes.

WRF12. The Commission finds that the critical load can be expressed in terms of the per acre loading rate, or Fair Share (3.8 Kg-N/Yr/acre), for the watershed in its entirety, and that the Critical Nitrogen Loading Rate of 57.57 Kg-N/Yr is the Fair Share rate applied to the 15.15 acre Lowe's proposed project site.

WRF13. The Commission finds that to be in compliance with MPS WR3.1 and MPS WR5.1, proposed projects in a Marine Water Recharge Area may offset nitrogen loads that exceed the greater of the nitrogen loading rate by the prior use, or the Critical Nitrogen Loading Rate (as defined by the RPP).

WRF14. The Commission finds the Title 5 wastewater design flow for the proposed project is 5,734 gallons per day as calculated in accordance with Nitrogen Loading Technical Bulletin 91-001.

WRF15. The Commission finds that the Applicant has provided actual water usage data for nine Massachusetts-based Lowe's locations from 2008 to 2012, where each of the nine sites were larger than the combined roof square footage of 114,679 of the proposed project and vary between 473 and 988 gallons per day of wastewater flow.

WRF16. The Commission finds that based on the water use data, the Applicant has proffered an alternative calculation using an actual flow of 1,065 gallons per day for the proposed project.

WRF17. The Commission finds that the Applicant has proposed an additional nitrogen offset for the proposed project by updating a septic system within the Bass River Watershed at 226 Old Bass River Road in Dennis.

WRF18. The Commission finds that the current system at 226 Old Bass River Road, Dennis, has a Title 5 wastewater flow rate of 9,930 gallons per day and an effluent concentration of 35 mg-N/L.

WRF19. The Commission finds the Applicant is proposing to upgrade the system at 226 Old Bass River Road, Dennis to a denitrifying septic system that achieves a 25 mg-N/L effluent concentration and that the proposed nitrogen offset for both Title 5 flows and the actual flows proffered by the Applicant are 137.0 Kg-N/Yr and 68.5 Kg-N/Yr, respectively.

WRF20. The Commission finds that even with allowing the use of the calculation of actual flows, the proposed project would still contribute 18.5Kg-N/yr to the Bass River Watershed. This results in an amount greater than that of existing conditions, and an amount that needs to be removed from the Watershed.

WRF21. The Commission finds that allowing the Applicant to apply actual wastewater flows as an alternative approach to meeting the Critical Nitrogen Loading Rate is not more detrimental to the protected resource than would be allowable under the applicable Minimum Performance Standard.

WRF22. The Commission finds that the Applicant has met its burden for applying the Flexibility Clause of the RPP to MPS WR3.1 and MPS WR5.1 by funding the installation and maintenance of a de-nitrifying septic system at 226 Old Bass River Road.

WRF23. The Commission finds that consistent with MPS WR5.3, it is appropriate to assess the Applicant \$114,680.00 (\$20 x 5,729 gpd) towards wastewater planning and infrastructure efforts, because, in the Commission's judgment, such a contribution would assist in the implementation of such efforts.

WRF26. The Commission finds that because the Applicant's proposed stormwater infrastructure will capture approximately 10.7 acres contributing to site wide runoff with 6.3 acres infiltrated by a surface retention/infiltration basin and 4.4 acres infiltrated by two sub-surface basins, and that the proposed project meets the requirements for MPS WR7.1.

WRF27. The Commission finds that because stormwater runoff from roadways and parking lots will be captured and treated on site for the first inch of runoff from a 25-yr 24-hr event, and because all infiltration systems capturing runoff from roadways and parking lots shall provide for at least 44% TSS removal prior to discharge to an infiltration system, the proposed project meets MPS WR7.2.

WRF28. The Commission finds that the proposed project meets MPS WR7.3 because roof runoff will be captured and directed to the surface retention/infiltration basin.

WRF29. The Commission finds that the proposed project meets the requirements for both MPS WR7.4 and MPS WR7.6 because bioretention systems and a vegetated swale have been sized to capture and treat the first inch of runoff from parking and roadway areas for a 25-yr 24-hr event, bioretention area would be constructed in accordance with the Massachusetts Stormwater Management Vol. I, parking for the proposed project is designed for the minimum required, and bioretention has been incorporated into parking islands and roadway perimeters.

WRF30. The Commission finds MPSWR 7.7 does not apply because the proposed project is not a Redevelopment as defined by the RPP.

WRF31. The Commission finds that the proposed project meets the requirements for MPS WR7.5 because the proposed project is within a Water Quality Impaired Area with proposed structured infiltration devices designed to capture 100% of the 100-yr 24-hour event.

WRF32. The Commission adopts Commission staff review of boring logs provided by the Applicant in the Stormwater Report; the Commission finds that the proposed infiltration areas for the proposed project meet MPS WR7.8.

WRF33. The Commission adopts Commission staff review the Erosion Control Plan shown in the Site Plans provided in the DRI application, the Commission finds that the proposed project is in compliance with MPS WR7.9.

WRF34. The Commission adopts the conclusions of Commission staff's review of the Stormwater Operations and Maintenance and Stormwater Pollution Prevention Plans, and finds that the Applicant's plans are in compliance with MPS WR7.10.

WRF35. The Commission finds that because the proposed project is not within a Wellhead Protection Area as shown on the Water Resources Classification Map I in the RPP, MPS WR7.11 does not apply to this proposed project.

### **Coastal Resources Findings**

CRF1. The Commission finds that MPS CR1.1 to MPS CR3.9 do not apply to the proposed project because the site is not located within an area containing coastal resources.

CRF2. The Commission finds that the proposed project complies with MPS CR3.10 (Eelgrass) because the development has no direct or indirect adverse effects to eelgrass beds.

CRF3. The Commission finds that the proposed project complies with MPS CR3.11 (Fish, Shellfish, Crustaceans) because the development has no direct and indirect adverse impacts to fish, shellfish, crustaceans and their habitat.

CRF4. The Commission finds that MPS CR3.12 does not apply because the proposed project does not involve coastal aquaculture.

### **Marine Resources Findings**

MRF1. The Commission finds that MPS MR1.1 to MR1.28 do not apply because the proposed project site is upland, does not affect marine resources, and does not include sand and gravel mining.

### **Wetlands Findings**

WETF1. The Commission finds that MPS WET1.1 to MPS WET1.4 pertain to activities affecting wetland resources, and that according to the Applicant's Natural Resources Inventory, the site does not contain any wetlands, nor are there wetlands within 200 feet of the site boundary; consequently, the Commission finds that MPS WET1.1 to MPS WET1.4 do not apply to the proposed project.

### **Wildlife and Plant Habitat Findings**

WPHF1. The Commission finds that the Applicant has provided a Natural Resources Inventory that is consistent with Commission requirements, and configured the proposed project on the site to utilize portions of the site that have the least habitat value; consequently, the proposed project is consistent with MPS WPH1.1.

WPHF2. The Commission finds that MPS WPH1.2 requires the minimization of clearing and grading on a site. The Commission finds that the Applicant proposes to utilize 10.25 – 11 acres of a previously cleared site, clearing 0.96 acres additional acres that are presently vegetated to accommodate the layout of the proposed project. The Commission finds that as the new area of clearing is relatively small for this site, the proposed project is consistent with MPS WPH1.2.

WPHF3. The Commission finds that MPS WPH1.3 requires minimizing fragmentation of habitat and provision of wildlife corridors. The Commission finds the proposed project is consistent with MPS WPH1.3 because approximately 11 acres of the project's site's areas are currently disrupted and are not able to provide habitat currently, and because the wooded areas that will remain likely preserve any wildlife corridors that connect habitat areas to the north and south.

WPHF4. The Commission finds that MPS WPH1.4 requires the protection of rare species and the habitat that supports rare species, and that proposed project site is mapped Priority Habitat for Rare Wildlife, specifically Eastern Box Turtle, by the Natural Heritage and Endangered Species Program.

WPHF5. The Commission also finds that the Natural Heritage and Endangered Species Program issued a letter on June 7, 2012 requiring the preparation and approval of a plan for the restoration of Eastern Box Turtle nesting habitat on the site, prior to the start of work on the site, with elements that allowed the Natural Heritage and Endangered Species Program to issue a “conditional no take” letter.

WPHF6. The Commission further finds that based upon the Applicant’s proposed restoration plan for Eastern Box Turtle habitat, the removal of invasive species, and the proposed turtle barrier, that the proposed project is consistent with MPS WPH1.4.

WPHF7. The Commission finds that it is appropriate to find compliance with MPS WPH1.4 provided the proposed project is required to protect rare species during and after construction.

WPHF8. The Commission finds that MPS WPH1.5 does not apply to the proposed project because there are no vernal pools on, or proximate to, the proposed project site.

WPHF9. The Commission finds that MPS WPH1.6 requires management plans for controlling invasive species, where such species are present, and that the State-designated invasive species Japanese knotweed, European buckthorn and Asiatic bittersweet have been found on a portion of the site. The Commission further finds that a restoration plan provided by the Applicant details the management of invasive species in accordance with Technical Bulletin 01-001.

WPHF10. The Commission finds that it is appropriate to find compliance with MPS WPH1.6 provided that the Applicant implements the proposed invasive species plan to manage Japanese knotweed, European buckthorn, and Asiatic bittersweet on the Project Site.

### **Open Space Findings**

OSF1. The Commission finds that MPS OS1.1 requires that development is clustered away from Significant Natural Resource Areas (SNRA), and that the proposed development is located in an area that is mapped as a SNRA due to the presence of mapped Eastern Box Turtle habitat.

OSF2. The Commission finds that the Applicant received correspondence dated June 7, 2012 indicating a “conditional no-take” of rare species, provided certain conditions are met, and that the Applicant has located the development activity on the western and previously disturbed portions of the site, adjacent to existing development to the west including the Cranberry Square office plaza, and Route 134.

OSF3. The Commission finds that the Applicant has clustered development to minimize impacts in a manner consistent with MPS OS1.1.

OSF4. The Commission finds that MPS OS1.2 requires that protected open space is configured to be contiguous and interconnecting with adjacent open space, and is permanently protected, and that the Applicant has retained the eastern portion of the project site in its natural state, allowing for wildlife corridors and open space linkages with undeveloped properties in the area to the north and south in compliance with MPS OS1.2.

OSF5. As provided for in MPS OS1.3, the Commission finds that the proposed cash mitigation for open space is appropriate, and that the credit may be obtained for the proposed contribution of funds to the Town of Dennis in the amount of \$238,921.00. Based on this, the Commission finds that MPS OS1.2 is met.

OSF6. The Commission finds that MPS OS1.3 further states that where new development is proposed within SNRA, open space shall be provided within these (SNRA) areas, and that the protection and restoration of rare species habitat on the eastern portion of the site is consistent with this requirement of MPS OS1.3. Based on the Applicant's habitat protection plan, the Commission finds that MPS OS1.3 is met.

OSF7. The Commission finds that the other provisions of MPS OS1.3 are not applicable to the review of this proposed project.

OSF8. The Commission finds that MPS OS1.4 requires the protection of significant natural and fragile areas, and that as regards the proposed project; the only resource that falls into this category is the rare species habitat.

OSF9. The Commission finds that the configuration of the site, the Applicant's proposed nesting habitat restoration, and installation of turtle-barrier fencing is consistent with MPS OS1.4.

OSF10. The Commission finds that MPS OS1.5 does not apply because the proposed project is not residential development.

OSF11. The Commission finds that there are not protected open space resources adjacent to this site, and therefore, MPS OS1.6 is not applicable to this proposed project.

OSF12. The Commission finds that the reduction in open space requirement (RPP), provided for by MPS OS1.7 for projects in Economic Centers is not applicable to the proposed project because the Project Site is mapped for rare species habitat.

OS1.7 (Open Space in GIZ/Economic Centers) allows a reduction in open space for projects in Economic Centers if they can demonstrate that they are not in a sensitive resource area. This standard does not apply as the project site is mapped for rare species habitat.

OSF13. The Commission finds that MPS OS1.8 does not apply to the proposed project because the Applicant has not proposed a parking garage.

### **Transportation Findings**

TF1. The Commission finds that estimated trip generation for 115,473 s.f. of Home Improvement Store (Institute of Transportation Engineers (ITE) Land Use Code (LUC) 862) and 1,600 s.f. of General Office (ITE LUC 710), based on the Applicant's 10/29/13 submission to the record, and including credits and reductions discussed in later findings are as follows:

*See Table 1 on the Next Page*

Table 1: Estimate Trip Generation

<u>Time Period</u>	<u>Gross Trip Generation on Retail<sup>1</sup></u>	<u>Gross Trip Generation Office<sup>2</sup></u>	<u>Gross Total Trips</u>	<u>Existing Use Trips<sup>3</sup></u>	<u>5% Credit for Interconnect<sup>4</sup></u>	<u>25% Trip Reduction<sup>5</sup></u>	<u>Net Trips</u>	<u>Pass-By Trips<sup>6</sup></u>	<u>New Net Trips</u>
<u>Weekday Daily Trips</u>	<u>3,550</u>	<u>18</u>	<u>3,568</u>	<u>-216</u>	<u>-168</u>	<u>-796</u>	<u>2,388</u>	<u>594</u>	<u>1,794</u>
<u>Weekday AM Peak Hour</u>	<u>296</u>	<u>2</u>	<u>298</u>	<u>0</u>	<u>-15</u>	<u>-71</u>	<u>212</u>	<u>52</u>	<u>160</u>
<u>Weekday PM Peak Hour</u>	<u>366</u>	<u>2</u>	<u>368</u>	<u>-26</u>	<u>-17</u>	<u>-81</u>	<u>244</u>	<u>60</u>	<u>184</u>
<u>Saturday Daily Trips</u>	<u>6,550</u>	<u>4</u>	<u>6,554</u>	<u>-336</u>	<u>-312</u>	<u>-1,476</u>	<u>4,430</u>	<u>1,108</u>	<u>3,322</u>
<u>Saturday Peak Hour</u>	<u>521</u>	<u>1</u>	<u>522</u>	<u>-45</u>	<u>-24</u>	<u>-113</u>	<u>340</u>	<u>84</u>	<u>256</u>

<sup>1</sup>Based on ITE LUC 862, Home Improvement Super Center - 115,473 s.f.

<sup>2</sup>Based on ITE LUC 710, General Office – 1,600 s.f.

<sup>3</sup>Based on August 2012 observations at site driveway, adjusted for consistency with MPS TR0.2 (Traffic Credit for past Uses)

<sup>4</sup>Per MPS TR2.4 (Incentives for Connections between Adjacent Properties) as detailed in Finding 33

<sup>5</sup>Per MPS TR3.2 (Credit for Trip-reduction mitigation) as detailed in Finding TF42

<sup>6</sup>Per guidance in Cape Cod Commission Technical Bulletin 96-003

TF2. The Commission finds that trip generation estimates were based on data in *ITE Trip Generation, 9th Edition* in accordance with Technical Bulletin 96-003; therefore, the project complies with MPS TR0.1.

TF3. The Commission finds that, based on the testimony of Commission staff that detailed a collaborative process between the Applicant, Commission staff, and Town of Dennis staff, an appropriate study area for the transportation review an analysis of the impacts of the project includes the following intersections and roadway segments:

a. Intersections:

- i. Theophilus F. Smith Road and Main Site Driveway
- ii. Theophilus F. Smith Road and Truck Driveway
- iii. Theophilus F. Smith Road at Duck Pond Road/S. Gages Way
- iv. Route 134 and Theophilus F. Smith Road
- v. Route 134 and Patriot Square/Market Place
- vi. Theophilus F. Smith Road and Enterprise Road
- vii. Main Street at High Bank Road
- viii. Old Bass River Road at Bob Crowell Road
- ix. Old Bass River Road at Mayfair Road
- x. Route 134 and Route 6 Eastbound Ramps
- xi. Route 134 and Route 6 Westbound Ramps
- xii. Route 134 at Airline Road
- xiii. Route 134 and Bob Crowell Road
- xiv. Route 134 and Upper County Road
- xv. Route 134 and Main Street (Route 28)
- xvi. S. Gages Way at Great Western Road
- xvii. Great Western Road at Depot Street (Harwich)
- xviii. Depot Street at Depot Road (Harwich)

b. Road Segments:

- i. Route 134 between Rte. 6 EB Ramps and Market Place/Patriot Square
- ii. Route 134 between Market Place/Patriot Square and Theophilus F. Smith Road
- iii. Route 134 between Theophilus F. Smith Road and Upper County Road
- iv. Route 134 between Upper County Road and Main Street (Route 28)
- v. Route 134 between Route 6 WB Ramps and Bob Crowell Road
- vi. Route 134 between Bob Crowell Road and Airline Road
- vii. Route 134 between Route 6 EB Ramps and Route 6 WB Ramps
- viii. Bob Crowell Road between Route 134 and Old Bass River Road
- ix. Old Bass River Road between Bob Crowell Road and Mayfair Road
- x. Old Bass River Road between Bob Crowell Road and Highbank Road
- xi. Great Western Road between S. Gages Way and Depot Street
- xii. Great Western Road between Upper County Road and S. Gages Way
- xiii. Depot Street between Great Western Road and Depot Road
- xiv. Theophilus F. Smith Road between Truck Driveway and S. Gages Way
- xv. S. Gages Way between Theophilus F. Smith Road and Great Western Road
- xvi. Highbank Road between Main Street and Route 134
- xvii. Upper County Road between Route 134 and Great Western Road

TF4. The Commission finds that the proposed project qualifies for credits for the past flea market and inflatable park uses on the site pursuant to MPS TR0.2 and finds that the estimated of average annual daily and peak-hour trip generation presented in the May 2013 Traffic Impact and Access Study (TIAS) were calculated in accordance with the methodology in Technical Bulletin 96-003. The Commission finds that for analysis and mitigation purposes credits should be allowed for 216 daily trips, 26 weekday PM peak hour trips, 336 Saturday daily trips, and 45 Saturday peak hour trips.

TF5. MPS TR0.3 requires that “*all necessary approvals and permits from federal, state and/or local government agencies for transportation mitigation or DRI site access and egress shall be obtained and copies submitted to the Cape Cod Commission prior to the issuance of a preliminary Certificate of Compliance for the DRI*”. The Commission finds that the proposed project could comply with MPS TR0.3 if required to obtain all necessary approvals and permits from federal, state and/or local government agencies for transportation mitigation or DRI site access and egress and provide same to the Commission.

TF6. The Commission finds that the proposed project is located within a designated Economic Center and the Applicant has elected to make a payment of \$1,592,000 [3,184 net new daily trips × \$500 per daily trip], as allowed by MPS TR0.4. By exercising this option, the proposed project is deemed to comply with MPS TR2.10, TR2.11, MPS TR2.13, TR3.4, MPS TR3.5, TR3.6, TR3.7, TR3.8, and TR3.9. Should any of the assumptions underlying this calculated payment change, then the payment amount may be changed as well.

TF7. The Commission finds that the appropriate calculation of a transportation mitigation payment as allowed by MPS TR0.4 is as follows:

*See Table 2 on the Next Page*

Table 2: Transportation Mitigation Payment Calculation

<u>Gross Daily Trip Generation<sup>1</sup></u>	<u>Existing Use Trips<sup>1</sup></u>	<u>5% Credit for Interconnect<sup>1</sup></u>	<u>Net Total Daily Trip Generation</u>	<u>Cost per Daily Trip<sup>2</sup></u>	<u>Mitigation Responsibility</u>
3,568	-216	-168	3,184	\$500	\$1,592,000

<sup>1</sup>See Table 1

<sup>2</sup>Per MPS TRo.4

TF8. The Commission finds that the allocation of transportation mitigation payments based on the development's impact area as presented in the October 8, 2013 Vanasse Hangen Brustlin, Inc. (VHB) Memorandum are reasonable and therefore finds that that transportation mitigation payments made pursuant to MPS TRo.4 shall be divided as follows:

Table 3: Allocation of Transportation Mitigation Funds

<u>Town</u>	<u>Percent Allocation of Funds<sup>1</sup></u>
Barnstable	1.5
Brewster	1.5
Chatham	1.0
Dennis	72.0
Eastham	1.0
Harwich	6.0
Orleans	2.0
Sandwich	0.5
Yarmouth	14.5
Total	100.0

<sup>1</sup>Based on analysis in 10-8-13 VHB Memorandum, for mitigation payment pursuant to MPS TRo.4

TF9. The Commission finds that no residential development is proposed by the project. The Commission finds that the office use proposed above the first floor of the proposed Lowes building are ancillary to the retail use and not considered office development above the first floor for the purposes of the transportation analysis and mitigation of this project. The Commission finds that MPS TRo.5 does not apply to this project.

TF10. The Commission finds that the Applicant in the May 2013 TIAS has provided crash analysis consistent with guidance in Technical Bulletin 96-003 for all intersections of regional roads as well as at local road intersections with regional roads that are used by the project for access to the regional road network where the proposed project is expected to increase traffic by 25 or more vehicle trips or more during the project's peak hour; therefore, the project complies with MPS TR1.2.

TF11. The Commission finds that the Applicant in the May 2013 TIAS has identified safety impacts at high crash locations consistent with the requirements of MPS TR1.3. These high crash locations analyzed include the following intersections and roadways segments:

- c. Intersections:
  - i. Route 134 and Main Street (Route 28)

- ii. Route 134 and Upper County Road
  - iii. Route 134 and Theophilus F. Smith Road
  - iv. Route 134 and Patriot Square/Market Place
  - v. Route 134 and Route 6 Eastbound Ramps
  - vi. Route 134 and Route 6 Westbound Ramps
  - vii. Route 134 and Bob Crowell Road
  - viii. Route 134 at Airline Road
- d. Road Segments:
- i. Route 134 between Upper County Road and Main Street (Route 28)
  - ii. Route 134 between Theophilus F. Smith Road and Upper County Road
  - iii. Route 134 between Market Place/Patriot Square and Theophilus F. Smith Road

TF12. The Commission finds that the crash trends at the intersection of Route 134 and Main Street (Route 28) indicate a potential issue with intersection timing, particularly the southbound lead phase. The Applicant is proposing to modify the traffic signal timing by optimizing operations of each approach, adjusting the southbound lead phase length as appropriate, and adjusting clearance intervals as appropriate. The Commission finds that the safety mitigation approach at the intersection of Route 134 at Main Street (Route 28) is consistent with MPS TR1.1.

TF13. The Commission finds that the safety analysis indicates that crashes on Route 134 between Main Street (Route 28) and Upper County Road are focused around the intersection with Center Street. The Applicant is proposing to implement improvements geared towards improving sight distance from the Center Street approaches and implementing appropriate signage along Route 134 in advance of the intersection with Center Street. The Commission finds that the safety mitigation approach for Route 134 between Route 28 and Upper County Road (focused at Center Street) is consistent with MPS TR1.1.

TF14. The Commission finds that there are improvements planned at intersection of Route 134 at Upper County Road as part of a Massachusetts Department of Transportation (MassDOT) construction project that is currently underway at this location. The Commission finds that these improvements are aimed at addressing safety issues at this location and therefore no actions are currently warranted at the intersection of Route 134 at Upper County Road in connection with the proposed project

TF15. The Commission finds there are no crash trends that indicate a specific safety issue on Route 134 between Upper County Road and Theophilus F. Smith Road; however, it would be appropriate to conduct a study of the two-way center turn lane along this section of roadway. The Applicant is proposing conduct a safety investigation of the two-way center turn lane along this section of roadway. The Commission finds that the safety mitigation approach for Route 134 between Upper County Road and Theophilus F. Smith Road is consistent with MPS TR1.1.

TF16. The Commission finds that the signal timing upgrades, improvements to increase signal conspicuity, and upgrades to pedestrian accommodations would be appropriate given the crash trends that exist at this location. The Applicant is proposing improvements as detailed in Figure 1 of the September 20, 2013 VHB Memorandum including:

- a. Install new traffic signal controller
- b. Implement time of day timing and phasing plan
- c. Recalculate clearance intervals for all movements at the intersection

- d. Coordinate operations with the Patriot Square Market Place intersection to the north
- e. Replace existing pedestrian signals with modern count down heads. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
- f. Replace all signal lens with new LED displays
- g. Install signal head back plates where appropriate
- h. Add lane use signage along each approach to the intersection
- i. Add a new right turn lane along the north bound approach
- j. Add a new signal head for the northbound right turn lane to allow overlap timing
- k. Modify the TSR westbound approach to include an exclusive left turn and right turn lane per the town directive.

The Commission finds that safety mitigation approach at the intersection of Route 134 at Theophilus F. Smith Road is consistent with MPS TR1.1 and MPS TR2.7.

TF17. The Commission finds that the safety analysis indicates that crashes on Route 134 between Main Street (Route 28) and Theophilus F. Smith Road and the signal at Patriot Square/Market Place are focused around the Cumberland Farms driveways. Improvements underway by the owners of the Cumberland Farms Plaza that are aimed at addressing the existing safety issues related to the driveways, and that, therefore no actions are currently warranted on Route 134 between Theophilus F. Smith Road and the signal at Patriot Square/Market Place in connection with the proposed project.

TF18. The Commission finds that safety analysis of the intersection of Route 134 at Patriot Square/Market Place identified a concentration of crashes related to the right turn movement from the Patriot Square approach, a high percentage of rear-end crashes, and two pedestrian crashes. The Applicant is proposing improvements as detailed in Figure 2a of the October 8, 2013 VHB Memorandum including:

- a. Install modern new traffic controller that is capable of multiple timing and phasing plans and coordination between signalized intersections
- b. Implement time of day traffic signal timing and phasing to account for daily and seasonal traffic fluctuation
- c. Coordinate timing and phasing at this location with the Route 134 and Theophilus F. Smith Road intersection to the south
- d. Install new pedestrian actuation traffic signals at the existing Route 134 crosswalk. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
- e. Install a new crosswalk across the Market Place approach including pedestrian actuation. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
- f. Install new traffic signals as detailed in Figure 2a
- g. Modify the existing Patriot Square (westbound) and Market Place (eastbound) right turn approaches from Yield condition to be included in the traffic signal operations
- h. Modify intersection geometrics to improve left-turn movement paths from the eastbound and westbound approaches
- i. Install of sharrows, signs, and pavement markings on all four approaches to the intersection
- j. Recalculate clearance intervals to ensure proper operations at this intersection

The Commission finds that the safety mitigation approach at the intersection of Route 134 at Patriot Square/Market Place is consistent with MPS TR1.1 and MPS TR2.7.

TF19. The Commission finds that the crash trends at the intersection of Route 134 at the Route 6 eastbound ramps indicate that driver confusion relating to the improperly signed merge movement from the Route 6 eastbound off-ramp onto Route 134 is resulting in the significant number of crashes at this location. The Applicant is proposing to replace existing and install additional lane designation signage and provide physical separation between the ramp traffic and Route 134 southbound traffic as detailed in Figure 11 of the May 2013 TIAS as determined appropriate in consultation with Commission, Town of Dennis, and MassDOT staffs. The Commission finds that the safety mitigation approach at the intersection of Route 134 at the Route 6 eastbound ramps is consistent with MPS TR1.1.

TF20. The Commission finds that the crash trends at the intersection of Route 134 at the Route 6 westbound ramps indicate a safety issue related to driver confusion related to appropriate lane selection on Route 134 northbound. The Applicant is proposing to install additional warning signs and striping as determined appropriate in consultation with Commission, Town of Dennis, and MassDOT staffs. The Commission finds that the safety mitigation approach at the intersection of Route 134 at the Route 6 westbound ramps is consistent with MPS TR1.1.

TF21. The Commission finds that the safety analysis of the intersection of Route 134 at Bob Crowell Road identified a concentration of crashes related to the right turn movement from the Bob Crowell Road (eastbound). The Applicant is proposing improvements as detailed in Figure 1a of the October 8, 2013 VHB Memorandum including:

- a. Install a crosswalk and pedestrian countdown timer (pedestrian actuation). The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
- b. Install "signal ahead" signage along the Bob Crowell eastbound approach to the intersection
- c. Install sharrows, signs, and pavement markings on all four approaches to the intersection
- d. Modify the eastbound Bob Crowell right turn lane to be part of the signalized operations of the intersection.
- e. Install a low mount supplemental signal head on the northeast corner of the intersection
- f. Install a low mount supplemental signal head on the southeast corner of the intersection
- g. Install a new traffic signal controller that is capable of multiple timing and phasing plans
- h. Implement time of day traffic signal timing and phasing to account for daily and seasonal traffic fluctuation
- i. Recalculate clearance intervals to ensure proper operations at this intersection for current conditions
- j. Trim overgrowth along the intersection approaches to ensure that visibility is maintained to existing traffic signal equipment and signage
- k. Trim overgrowth along the eastbound right turn lane approach to the intersection to open the sight corridor to vehicles queued at the intersection

The Commission finds that the safety mitigation approach at the intersection of Route 134 at Bob Crowell Road is consistent with MPS TR1.1 and MPS TR2.7.

TF22. The Commission finds that the safety analysis of the intersection of Route 134 at Airline Road identified a concentration of crashes related to the left turn movement from the Airline Road. The Applicant proposed to relocate Airline Road as presented in Figure 4 of the October 8, 2013 VHB Memorandum. The Commission finds that the safety mitigation approach at the intersection of Route 134 at Airline Road is consistent with MPS TR1.1 and MPS TR2.7.

TF23. The Commission finds that installation of a signal or a roundabout at the intersection of Route 134 at Airline Road would also be consistent with MPS TR1.1 and TR2.7. The Commission finds that in the event that the relocation of Airport Road does not occur, the Applicant may elect to install a signal or a roundabout, with the addition of a crosswalk on the west approach and designed to that meet Manual on Uniform Traffic Control Devices (MUTCD) standards, for compliance with MPS TR1.1 and MPS TR2.7.

TF24. MPS TR1.3 and TR1.9 require that physical improvements proposed to address or offset safety concerns must occur prior to issuing a Final Certificate of Compliance in order to ensure compliance. This requirement ensures that, consistent with MPS TR1.1, no safety impacts from project-generated trips occur prior to the implementation of the safety improvements so that there is no degradation of safety. The Commission finds that the proposed project could be conditioned to meet the MPS TR1.1, TR1.3, and TR1.9.

TF25. The Commission finds that the width of driveways and curb-cut openings to serve DRIs are appropriate and that no additional pedestrian refuge islands are required, and; therefore, the project complies with MPS TR1.4.

TF26. The Commission finds that the site is not located within the limited-access portion of Route 6; therefore, MPS TR1.5 does not apply to this project.

TF27. MPS TR1.6 requires that human-made objects such as signage, utility poles and boxes, landscaping, plantings, and lighting do not create obstructions to safe sight distances for motorists, bicyclists, and pedestrians. The Commission finds that in the event that signs, vegetation, and other visual obstructions are placed in a manner that would not create an obstruction to safe sight distance at the site drives the proposed project would comply with MPS TR1.6.

TF28. MPS TR1.7 requires that site planning and access/egress design for the project minimizes adverse impacts on the adjacent road system and adequately and safely accommodate all users including pedestrians, bicyclists, and motorists. The Applicant has proposed a number of bicycle and pedestrian friendly feature in to the site plan as presented in the site plan dated 11/5/13 including crosswalks across the site drives, sidewalks along the site frontage on Theophilus F. Smith Road, sidewalks leading to the proposed Lowes building, bicycle racks, and a path that connects to the Cape Cod Rail Trail and extends to the new signal proposed on Theophilus F. Smith Road at the main site driveway. The Commission finds that site planning and access/egress design for the proposed project minimizes adverse impacts on the adjacent road system and adequately and safely accommodate all users including pedestrians, bicyclists, and motorists; therefore the project complies with MPS TR1.7.

TF29. The Commission finds that, as presented in the May 2013 TIAS, acceptable sight distances are provided at all access and egress locations for the proposed project; therefore, the proposed project complies with MPS TR1.8.

TF30. The Commission finds that this proposed project is within a designated Economic Center; therefore, MPS TR2.1 does not apply.

TF31. MPS TR2.2 requires that projects within Economic Centers implement adequate and acceptable measures to reduce and/or offset 12.5 percent of the expected increase in site traffic resulting from the development on a daily basis. One acceptable measure is through a payment that can be used to support projects or strategies that encourage alternatives to automobile travel. The Commission finds that the trip reduction portion of the payment being made by the Applicant pursuant to MPS TR0.4 is an adequate and acceptable measure to offset 12.5 percent of the expected increase in site traffic from the proposed project on a daily basis; therefore, the proposed project complies with MPS TR2.2.

TF32. The Commission finds that the Applicant has agreed to allow and to implement connections (vehicular and pedestrian) between parcels to minimize curb cuts, driveways, and vehicle turning maneuvers should an agreement be reached with the adjacent property owner of Cranberry Square Plaza; therefore, the project complies with MPS TR2.3.

TF33. The Commission finds that project has proposed a 5% trip reduction credit for allowing and agreeing to construct an interconnection with Cranberry Square Plaza should an agreement be reached with the property owner. The Commission finds that this credit is allowable per MPS TR2.4 and therefore should be granted to the project.

TF34. The Applicant has elected to meet its trip reduction requirement through a payment pursuant to MPS TR0.4. The Applicant is not requesting trip reduction credits for trip reduction measures such as trip-reduction support measures, transportation services, economic incentives, or locating on a transit line. The Commission finds that since no credits are being proposed for trip reduction measures no estimates of trip reduction are required, MPS TR2.5 does not apply.

TF35. MPS TR2.6 states that the Commission may require construction of a bus stop and/or bus turn-out and/or bus shelter as part of DRI approval. The Commission finds that a bus stop is appropriate at this location and that it is appropriate to require it at the proposed project.

TF36. MPS TR2.7 requires that the needs of bicyclists, pedestrians, and other non-automobile users are accommodated in site planning and roadway and/or intersection changes. The Applicant has proposed a number of bicycle and pedestrian friendly features in the site plan dated 11/5/13 including crosswalks across the site drives, sidewalks along the site frontage on Theophilus F. Smith Road, sidewalks leading to the proposed Lowes building, bicycle racks, and a path that connects to the Cape Cod Rail Trail and extends to the new signal proposed on Theophilus F. Smith Road at the main site driveway. Accommodations for bicyclists, pedestrians, and other non-automobile users are proposed by the Applicant at intersections that are being changed including:

- a. Route 134 at Theophilus F. Smith Road: improvements as detailed in Figure 1 (attached) of the September 20, 2013 VHB Memorandum including, specifically addressing accommodation of bicyclists, pedestrians, and other non-

- automobile users, replace existing pedestrian signals with modern count down heads. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
- b. Route 134 at Market Place/ Patriot Square: improvements as detailed in Figure 2a of the October 8, 2013 VHB Memorandum including, specifically addressing accommodation of bicyclists, pedestrians, and other non-automobile users:
    - i. Install new pedestrian actuation traffic signals at the existing Route 134 crosswalk. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
    - ii. Install a new crosswalk across the Market Place approach including pedestrian actuation. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
    - iii. Install of sharrows, signs, and pavement markings on all four approaches to the intersection
  - c. Route 134 at Bob Crowell Road: improvements as detailed in Figure 1a of the October 8, 2013 VHB Memorandum including, specifically addressing accommodation of bicyclists, pedestrians, and other non-automobile users:
    - i. Install a crosswalk and pedestrian countdown timer (pedestrian actuation). The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
    - ii. Install a new crosswalk across the Bob Crowell Road (eastbound) approach including pedestrian actuation. The pedestrian movement heads shall be modern pedestrian countdown head timers that have both visual and audible indications.
    - iii. Install sharrows, signs, and pavement markings on all four approaches to the intersection
  - d. Route 134 at Airline Road: with the relocation of Airline Road, addition of a crosswalk to provide continuity to the sidewalk on the west side of Route 134

The Commission finds that, considering accommodation of for bicyclists, pedestrians, and other non-automobile users included in the roadway and intersection changes the proposed project complies with MPS TR2.7.

TF37. MPS TR2.8 states that, where deemed appropriate by the Commission, DRIs shall provide appropriate rights-of-way along their street frontage to accommodate expected needs for bicycle and pedestrian accommodation and/or relocation of utilities. The Commission finds it appropriate to require Applicant to provide right-of-way in the form of a 10 foot easement along the entire site frontage on Theophilus F. Smith Road as a result of an expected need to accommodate expected needs for bicycle and pedestrian accommodation and/or relocation of utilities in future roadway improvements; implementation of this requirement would allow the proposed project to comply with MPS TR2.8. MPS TR2.8 states that DRIs shall also provide for pedestrian and bicyclist connections across their property to allow for possible future connections with adjoining properties, where necessary. The Commission finds that the connection across the site is necessary for bicyclists and pedestrians to meet current and future potential demands. The Applicant has proposed to construct a connection across the site from the Cape Cod Rail Trail to the new signal proposed on Route 134 at the site driveway, and, therefore, the Commission finds that the proposed project complies with MPS TR2.8.

TF38. MPS TR2.9 requires that a DRI provide no more than the minimum number of parking spaces required by zoning. The Commission finds that, as presented on the site plans dated 11/5/13, 361 parking spaces are required by zoning. The Commission finds that the Applicant is proposing, through a waiver from the Dennis Planning Board, 311 spaces. The Commission finds that whether the Applicant constructs 361 spaces or, through a waiver from the Dennis Planning Board, 311 spaces, the proposed project complies with MPS TR2.9.

TF39. The Commission finds that no trip reduction credits in excess of trip reduction requirements of the RPP are proposed; therefore, MPS TR2.12 does not apply to this project.

TF40. MPS TR2.14 requires that funds collected for trip reduction shall be used to support projects or strategies that encourage alternatives to automobile travel. The Commission finds that the proposed project would comply with MPS TR2.14, if the trip reduction portion of the payment proposed by the Applicant pursuant to MPS TR0.4, \$398,00 [ $\$1,592,000 \times 0.25$ ], is used to support projects or strategies that encourage alternatives to automobile travel.

TF41. MPS TR3.1 requires that, regardless of traffic volumes, Level of Service analysis shall be required at all access and/or egress points onto the road system for DRIs. MPS TR3.1 further requires that all new access and/or egress onto the road system for DRIs shall operate at Level of Service D or better shall be allowed for a minimum of five years after project occupancy for projects located within designated Economic Centers or Growth Incentive Zones. The Commission finds that an appropriate Level of Service analysis was conducted and that both that the main driveway and truck driveway will operate at a Level of Service B under 2018 build conditions for the weekday evening peak hour and at a Level of Service C under 2018 build conditions for the Saturday midday peak hour. Subsequent to the analysis presented in May 2013 TIAS the estimated trip generation of the project was reduced based on an overall reduction in the size of the proposed project as presented in Applicant's 10/29/13 submission. The Commission finds that the Level of Service analysis presented in the May 2013 is conservative given the overall reduction in project trips as presented in the Applicant's 10/29/13 submission. The Commission finds that, based on the Level of Service criteria for the site drives where met as presented in the analysis in the May 2013 TIAS and considering that the Level of Service would marginally improve with the overall reduction in project trips as presented in the Applicant's 10/29/13 submission, the proposed project complies with MPS TR3.1.

TF42. MPS TR3.2 allows project to, for the purpose of meeting the requirements of Goal TR3 and the supporting MPS, reduce their estimated trip generation by 25 percent after compliance with all MPS under Goal TR2. Considering that the proposed project has complied with all applicable MPS under Goal TR2, the Commission finds that the proposed project shall be allowed to reduce its estimated trip generation by 25 percent pursuant to MPS TR3.2.

TF43. The Commission finds that the Applicant has provided a traffic study that meets the requirements of this MPS; therefore, the project complies with MPS TR3.3.

TF44. The Commission finds that all existing rights-of-way are being preserved for transportation uses; therefore, the project complies with MPS TR3.10.

TF45. The Commission finds that the project is not proposing to increase the mainline capacity of any limited-access highways; therefore, the project complies with MPS TR3.11.

TF46. Based on testimony of Commission staff and the Dennis Town Planner, the Commission finds that all roadway infrastructure projects proposed as project mitigation are consistent with local and regional plans; therefore, the project complies with MPS TR3.12.

TF47. MPS TR3.13 states that, where deemed appropriate by the Commission, all new traffic signals under town jurisdiction proposed as DRI mitigation shall include payments for 20 years of operations and maintenance costs. The Commission finds it appropriate that a payment, in addition to other transportation mitigation payments, to cover the 20 years of operations and maintenance costs for the new signal proposed on Theophilus F. Smith Road at the site driveway. The Commission finds that the Applicant should prepare an estimate of such a payment to be reviewed and approved by Commission staff. The Commission finds that if the Applicant were to provide a payment to cover the 20 years of operations and maintenance costs for the new signal proposed on Theophilus F. Smith Road at the site driveway the project would comply with MPS TR3.13.

TF48. MPS TR3.14 states that, where deemed appropriate by the Commission, all roadway widening, intersection signals, and other roadway capacity alterations proposed as DRI mitigation to accommodate automobile travel shall include continuous year-round traffic-recording devices to monitor traffic volumes, vehicle classification, and travel speeds, and shall include devices to access the data remotely both at the data-collection site and at the data-processing site. MPS TR3.14 further states that, where deemed appropriate by the Commission, the applicant shall make a payment of funds to support maintenance and operation of the devices for 20 years. The Commission finds that it is appropriate to install traffic recording devices at Route 134 at Bob Crowell Road and Route 134 at Theophilus F. Smith Road and make a payment, in addition to other transportation mitigation payments, to cover the 20 years of operations and maintenance costs of these systems. The Commission finds that the Applicant should prepare an estimate of the cost to cover the 20 years of operations and maintenance costs of these systems to be reviewed and approved by Commission staff. The Commission finds that if the Applicant were to install traffic recording devices at Route 134 at Bob Crowell Road and Route 134 at Theophilus F. Smith Road and make a payment, in addition to other transportation mitigation payments, to cover the 20 years of operations and maintenance costs of these systems, the proposed project would comply with MPS TR3.14.

TF49. MPS TR3.15 states that, where deemed appropriate by the Commission, an annual inflation rate, determined at the time of the DRI decision, shall be applied to all congestion mitigation payments. The Commission finds that it is appropriate to apply an annual inflation rate to the congestion mitigation portion of the payment being proposed by the Applicant pursuant to MPS TR0.4, \$1,194,000 [ $\$1,592,000 \times 0.75$ ]. The Commission finds that, based on a 10-year annual average increase of the National Highway Construction Cost Index prepared by the Federal Highway Administration, an annual inflation rate of 1% is appropriate. The Commission finds that if the Applicant were to apply a 1% annual inflation rate for the period of time from the date of the final Commission decision until the funds are paid to the congestion mitigation portion of the payment being proposed by the Applicant pursuant to MPS TR0.4, \$1,194,000 [ $\$1,592,000 \times 0.75$ ], the proposed project would comply with MPS TR3.15.

TF50. MPS TR3.16 requires that funds collected for congestion mitigation shall be used to support projects or strategies that encourage alternatives to automobile travel consistent with MPS TR3.12 or to support actual expansion of roadway capacity including but not limited to planning, engineering, permitting, and construction. The Commission finds that if the congestion reduction portion of the payment proposed by the Applicant pursuant to MPS TR0.4,

\$1,194,000 [ $\$1,592,000 \times 0.75$ ], is used to support projects or strategies that encourage alternatives to automobile travel consistent with MPS TR3.12 or to support actual expansion of roadway capacity including but not limited to planning, engineering, permitting, and construction, the proposed project would comply with MPS TR3.16.

### **Hazardous Materials and Waste Management Findings**

HMWF1. The Commission finds that the proposed project site is not located within a Wellhead Protection Area as shown on the Water Resources Classification Map I in the RPP, and therefore finds that MPS WM1.1, WM1.2, WM1.3 and WM1.4 do not apply to the proposed project.

HMWF2. The Commission finds that based upon the waste management plans submitted to the Commission as part of the proposed project review, and the Applicant's agreement to register with the Massachusetts Department of Environmental Protection as necessary if the Applicant is a generator of Hazardous Waste, and that the Applicant will have a contract with a registered, licensed company to dispose of Hazardous Waste, the proposed development complies with MPS WM1.5.

HMWF3. The Commission finds that it is appropriate to find compliance with MPS WM1.5 provided the proposed project provides the Commission with documentation of either registration or notification to the Massachusetts Department of Environmental Protection as a generator of Hazardous Waste; a written protocol to manage the Hazardous Waste prior to disposal; and a signed contract with a registered, licensed company to dispose of the Hazardous Waste.

### **Solid Waste Management Findings**

SWF1. The Commission finds that MPS WM2.1 requires that "*[d]evelopment and redevelopment proposed projects shall address the disposal of construction waste...*" and that "*a plan shall be provided to demonstrate how the applicant proposes to handle solid wastes, construction and demolition waste and recyclable materials currently categorized by the [DEP] as a waste ban material*" and that MPS WM2.2 describes the requirements of a construction and demolition (C&D) waste management plan.

SWF2. The Commission finds that based on the materials submitted by the Applicant, including the Construction Waste Management and Disposal Plan, Applicant has complied with the requirements of MPS WM2.1 and MPS WM2.2 for the construction phase.

SWF3. The Commission finds that the proposed project could comply with MPS WM 2.1 and MPS WM 2.2 if conditioned to require implementation by the Applicant of the Construction Waste Management and Disposal Plan for the construction phase.

SWF4. The Commission finds that MPS WM2.3 requires a post-construction waste and recyclables management plan, and MPS WM2.4 addresses the management of "significant amounts" of food wastes.

SWF5. The Commission finds that the DRI application includes an outline of a sample recyclables management plan, including a section on management of refrigerants extracted from used appliances, which complies with the requirements of MPS WM2.3 for the post-construction phase.

SWF6. The Commission further finds that the proposed project could comply with MPS WM2.3 if conditioned to require the implementation of a recyclables management plan for the post-construction phase.

SWF7. The Commission finds that, due to the absence of food preparation and limited food vended on site that a significant amount of food waste is not expected from the proposed project, and as such, MPS WM2.4 does not apply to the proposed project.

### **Energy Findings**

EF1. The Commission finds that MPS E1.1 is not applicable to the proposed development because there are no buildings on site that are being redeveloped.

EF2. The Commission finds that the proposed project complies with MPS E1.2 because the Applicant submitted a Statement of Energy Design Intent (SEDI) using the ENERGY STAR's Target Finder application for the proposed Lowe's building which indicates it has been designed to meet the ENERGY STAR target of 75 or higher as evidenced by the SEDI.

EF3. The Commission finds that the proposed development will meet MPS E1.3 because the ASHRAE standard has been incorporated in the Massachusetts State Building Code (MA CMR 780) which will govern the proposed project.

EF4. The Commission finds that MPS E1.4 is not applicable to the proposed project because the proposed project is not a multi-family residential project.

EF5. The Commission finds that the proposed development has met MPS E1.5 because the Applicant has chosen to pursue the "*LEED Certifiable*" alternative method of compliance available under MPS E1.5.

EF6. The Commission further finds the proposed project is consistent with MPS E1.5 provided it achieves 40 LEED credits required to achieve certification as proffered in the DRI application.

EF7. The Commission finds that MPS E1.7 to MPS E1.11 are Minimum Performance Standards that address Wind Energy Conversion Facilities, and because the Applicant is not proposing a WECF, these Minimum Performance Standards do not apply to the proposed project.

### **Affordable Housing Findings**

AHF1. The Commission finds that as a non-residential DRI, only the Minimum Performance Standards under Goal AH3 apply to this proposed project, and that all Minimum Performance Standards under Goal AH1 (MPS AH1.1 to MPS AH1.14) and Goal AH2 (MPS AH2.1 to MPS AH2.4) are not applicable.

AHF2. The Commission finds that the Applicant has proposed making the cash mitigation payment required by MPS AH3.1 to be used for the purpose of creating affordable housing in Dennis, and therefore, the development complies with MPS AH3.1, provided the mitigation payment is made as calculated in this decision.

AHF3. The Commission finds that the amount of mitigation required for a *Retail* use located in an Economic Center, as adjusted on March 1, 2013, per MPS AH3.1 and MPS AH3.3 is \$5.30 per square foot.

AHF4. The Commission finds that the amount of mitigation required for an *Office* use located in an Economic Center, as adjusted on March 1, 2013, per MPS AH3.1 and MPS AH3.2 is \$3.90 per square foot.

AHF5. The Commission finds that MPS AH3.2 and MPS AH3.4 do not apply because the Applicant has chosen to comply with the applicable Affordable Housing MPS through the cash contribution method based on the square footage of the proposed project.

AHF6. The Commission finds that the proposed development does not contain buildings for the purposes of the definition of *Developed Area* as defined in the RPP.

AHF7. The Commission finds that *Developed Area* is defined by the RPP as “*Any area that currently contains buildings, paved parking, and other development-related infrastructure or that has had such infrastructure removed but was in use within the past five (5) years. Developed areas do not include those areas or portions of sites that are vegetated.*”

AHF8. The Commission finds that on July 16, 2013, Commission Subcommittee members made a site visit and observed the project site. The Commission finds the site generally contained an open field. The Commission further finds that there were no buildings identified by the Dennis Town Assessor for the purpose of taxation. The Commission further finds that other than the existing apron, which is not a parking area, there is no pavement on the site. The Commission further finds that the 2012 Special Permit for the prior use at the site, the Flea Market and Inflatables Park/Play Zone, required all parking on the lot to be unpaved. The Commission further finds that the 2013 Special Permit for the site stated “*the parking area shall be watered at least once per week to keep dust down and grass growing.*”

AHF9. The Commission finds that the proposed development does not contain paved parking for the purposes of the definition of *Developed Area* as defined in the RPP.

AHF10. The Commission finds that the proposed development contains development-related infrastructure for the purposes of the definition of *Developed Area* as defined in the RPP. The Commission adopts the testimony of Commission staff as outlined in the August 15, 2013 staff report and finds that the site currently contains drainage infrastructure adjacent to Theophilus Smith Road and an irrigation well near the southern border of the site protected by a wooden structure approximately 4 feet tall and 2 feet by 2 feet at the base. The Commission further finds that the drainage infrastructure includes four leaching catch basins which capture runoff via a one hundred foot drainage ditch, and that the existing drainage infrastructure captures only a portion of the site allowing for ponding at various locations on the site grounds.

AHF11. The Commission finds that MPS AH3.5 states in part “[r]edevlopment and change of use projects involving nonresidential uses shall receive a credit for the amount of mitigation required based upon the existing use and existing square footage.”

AHF12. The Commission finds that *Redevlopment* is defined by the RPP, as “*the reconstruction, reuse, intensification, or change in use of any developed property within the Developed Area. Redevlopment includes but is not limited to the following: reuse of existing buildings; reconstruction of buildings destroyed due to fire or natural disaster; any increase in the intensity of use of already developed land, such as an increase in the number of dwelling units in a structure or change to a commercial or industrial use from a less intensive use; enlargement of a structure; additions to usable interior floor area within residential,*

*commercial, and industrial buildings; and the conversion of a seasonal use or dwelling to year-round use. Construction on portions of a site other than developed areas does not constitute redevelopment.”*

AHF13. The Commission finds that the proposed project is not *Redevelopment*, as is proposes to construct on portions of the site that are not *Developed Area* as defined by the RPP.

AHF14. The Commission finds that the Inflatable Park/Play Zone is classified as an “*Other*” use under MPS AH3.1 (Mitigation Standard).

AHF15. The Commission finds that a *Change of Use* is defined by the Commission’s *Enabling Regulations Governing Developments of Regional Impact* as “*A change in the nature or purpose of the use of a developed parcel of land.*”

AHF16. The Commission finds that the Flea Market portion of the site is not a *Change of Use* for the purposes of the calculation of an Affordable Housing credit because the Flea Market meets the definition of a Retail use as defined by the RPP.

AHF17. The Commission finds that Retail, Sales and Other Commercial is defined by the RPP as “*A place of business that provides goods and/or products directly to a consumer, and which involves the keeping of goods and/or products on the premises as stock in trade, and where such goods and/or products are available for immediate purchase and removal from the premises by the purchaser. Such place of business may also involve the provision of services incidental to the sale of such goods and/or products.*”

AHF18. The Commission finds that because both the Flea Market and the proposed Lowe’s are Retail uses, there is no change in the nature or purpose of the use of a developed parcel of land in going from Retail to Retail on the section of the proposed development that is Flea Market to Lowe’s. As such, the proposed project does not qualify as a Change of Use for the purposes of calculating an Affordable Housing credit per MPS AH3.5.

AHF19. The Commission finds that going from the prior use of the Inflatables Park/Play Zone to a proposed Lowe’s Home Improvement store is a Change of Use for the purposes of calculating an Affordable Housing credit per MPS AH3.5. Thus, the Commission finds that the Affordable Housing credit should be calculated based on the portion of the Project Site that is changing from the Inflatables Park/Play Zone to the proposed Lowe’s store.

AHF20. The Commission finds that, in accordance with the methodology in MPS AH3.1, Technical Bulletin 10-001, as amended, and based on the testimony of Commission staff that the total mitigation credit amount of \$20,040 for the Inflatables Park, calculated as the following equation, shown below:

Per square foot mitigation:  $\$2.51 \times \left( \frac{8}{16,700/1,000} \right) = \$1.20$  per square foot.

Inflatables park use area (16,700 square feet) X \$1.20 = \$20,040

AHF21. The Commission finds that, based on the set of plans dated 11/6/13 that the affordable housing mitigation is to be based upon the store’s building area (building, mezzanine, and garden center) of 112,179 square feet, resulting in an Affordable Housing mitigation payment as

follows:

- a. A 112,179 square foot Lowe's building x \$5.30 per square foot of *Retail* for \$594,549 payment for the Lowe's proposed project,
- b. A 1,600 square foot liner building x \$3.90 per square foot of *Office* for an additional \$6,240 for the liner building, and
- c. A credit of \$20,040 for the Inflatables Park, resulting in a total Affordable Housing mitigation payment of \$580,749.

AHF22. The Commission finds, in accordance with the methodology in MPS AH3.1 and Technical Bulletin 10-001, as amended, that the proposed project's Affordable Housing mitigation is \$600,789 - \$20,040 = \$580,749.

### **Heritage Preservation and Community Character Findings**

HPCCF1. The Commission finds that there are no historic buildings on or adjacent to the proposed project site. As such, the proposed project will not have a direct impact on any historic structures. Based on this information, the Commission finds with MPS HPCC1.1 does not apply to the proposed project.

HPCCF2. The Commission finds that there are no cultural landscapes on or adjacent to the proposed project site. The nearby South Dennis Historic District and Old Kings Highway Historic District do contain cultural landscapes. The Commission finds that there are no physical transportation improvements proposed within the nearby South Dennis Historic District, and transportation improvements proposed within the Old Kings Highway Historic District are limited to narrowing pavement at one intersection, redesigning one intersection, and replacing an existing mast arm, neither of which will impact any character-defining features of cultural landscapes in the district. The proposed project thus complies with MPS HPCC1.2.

HPCCF3. The Commission finds that the Massachusetts Historical Commission determined in its opinion of September 10, 2012 that the proposed project is unlikely to affect archaeological resources, therefore, the proposed project complies with MPS HPCC1.3.

HPCCF4. The Commission finds that the proposed project site is within a designated *Economic Center* on the regional Land Use Vision Map. The proposed project is considered development of existing commercially used land and is located in the vicinity of existing commercial strip development on Route 134 between Route 6 and the Cape Cod Rail Trail. Since the proposed project does not extend the linear nature of commercial development along the roadway and does not increase traffic conflicts at the location of the main site drive and does not add new curb cuts or traffic signals between Route 6 and the Cape Cod Rail Trail on Route 134, the Commission finds that the proposed project is consistent with HPCC2.1.

HPCCF5. The Commission finds that the project does not propose off-site transportation improvements that will impact the existing character of local and regional roadways. The proposed narrowing of pavement, redesigning one intersection, and replacement of an existing mast arm within the Old Kings Highway Historic District are not significant changes to the existing character and the proposed project is thus in compliance with MPS HPCC2.2.

HPCCF6. The Commission finds that the Town of Dennis identifies scenic vistas in its 2008 Open Space and Recreation Plan Update, that this Plan does not identify any scenic vistas in the vicinity of the proposed project site, and that the closest identified scenic vistas are within the South Dennis Historic District. The Commission finds that no changes to these scenic resources are proposed, so the proposed project complies with MPS HPCC2.3

HPCCF7. The Commission also finds that the proposed approximately 100,000 square foot building footprint of the proposed Lowe's building does not follow traditional regional design features such as a modest building mass and scale. The Commission finds that because the proposed project is not located in a Historic District, Village Center, Cultural Landscape, nor are there historic properties on the site, and because the parapet wall on the Lowes building is kept low across much of the facade, as illustrated on the September 20, 2013 building elevations, significant buffering and frontage buildings can be used to screen the building in a manner consistent with the surrounding regional context. The Commission finds that the height and scale of the proposed frontage building shown on the 10/29/13 site plans are consistent with regional context and in compliance with HPCC2.4.

HPCCF8. The Commission finds that the proposed approximately 100,000 square foot footprint exceeds the maximum size for an individual building footprint so it must be fully screened to comply with MPS HPCC2.5. According to MPS HPCC2.5, full screening typically consists of traditionally scaled frontage buildings within developed areas, and vegetated buffers of 200 feet in depth in outlying areas.

HPCCF9. The Commission finds that a 125-foot vegetated buffer, along with berms and dense plantings, is sufficient to provide full screening in this location. The proposed project provides landscape plantings and a frontage building within the front buffer to achieve full screening in all areas outside the prescribed view corridor in compliance with HPCC2.5.

HPCCF10. The Commission finds that MPS HPCC2.6 requires 10 feet of façade variation (setback or projection) for every 50 feet of façade length. The Commission adopts the testimony of Commission staff and finds that with the exception of the right or south side wall, the proposed development is in compliance with MPS HPCC2.6.

HPCCF11. The Commission finds that the right or south side wall of the proposed Lowe's building is 240 feet long and includes no variation. Commission finds that it is appropriate to use the Flexibility Clause to allow this configuration due to the limited visibility of this facade and the additional landscaping and buffering provided on the Applicant's 11/6/13 plan revisions to limit visibility from the Cape Cod Rail Trail, and further finds that the interests protected by MPS HPCC2.6 relative to the right or south side wall of the Lowe's building may be achieved by an alternate approach, and that as proposed, the wall will not be more detrimental to the protected resources than would be allowable under MPS HPCC2.6.

HPCCF12. The Commission finds that the proposed project is not visible from scenic or regional roadways or from distinctive areas. While the Lowe's building is non-traditional in its size and form, the proposed project maintains adequate buffers as required by MPS HPCC2.5 to screen the proposed project from view. As such, it complies with MPS HPCC2.7.

HPCCF13. The Commission finds that the proposed parking, as illustrated on the Applicant's 11/6/13 Site Plan revisions, is located to the side of the proposed Lowes building and to the rear

of the proposed frontage building in compliance with HPCC2.8 (Parking to the Side or Rear of Buildings).

HPCCF14. The Commission finds that MPS HPCC2.9 does not apply because the proposed project is not considered *Redevelopment* (Landscaping Improvements for Redevelopment).

HPCCF15. The Commission finds that MPS HPCC 2.10 states: *"All development shall provide landscaping that integrates buildings with their environment, enhances architectural features, fosters sustainable practices, clearly divides parking lots into smaller areas, includes tree planting, and provides amenities for pedestrians. All development shall implement a landscape plan that addresses the functional aspects of landscaping, such as drainage and innovative stormwater technologies, erosion prevention, screening and buffering, provision for shade, and energy conservation. When vegetative buffers are necessary to prevent adverse visual impacts from new development, existing vegetation shall be retained and unaltered in the buffer area. A maintenance agreement shall be provided by all development for a minimum of three growing seasons to insure vegetation is properly established."* The Commission adopts the testimony of Commission staff and finds that the Applicant has provided landscaped areas as shown on the 10/29/13 and 11/6/13 Landscape Plans which provide visual buffers, and that the proposed project will also retain existing vegetation, and based on this, the proposed project complies with MPS HPCC2.10 because of the additional screening provided.

HPCCF16. The Commission finds the Applicant's Landscape Plans SP-9A and SP-9B ALT, prepared by William Fleming Associates and dated 11/05/2013, includes additional plantings along the Cape Cod Rail Trail, and that the species selected comply with HPCC2.5 and HPCC2.10.

HPCCF17. The Commission finds the proposed project does not propose any billboards, off-site advertising, or internally lit or flashing signs, and the Commission finds compliance with MPS HPCC2.12 could be found if Commission staff review and approval of any sign design were required.

HPCCF18. The Commission finds that all utilities on the proposed project site are proposed to be placed underground in compliance with HPCC2.13.

HPCCF19. The Commission finds that the proposed roadway appurtenance, which involves replacement of an existing mast arm at one intersection, is consistent with existing roadway appurtenances and the character of the immediate area, consistent with HPCC2.14.

#### Exterior Lighting

EXF1. The Commission finds that the proposed project exterior lighting design consists of pole mounted lights, and lights to be mounted recessed into a ceiling/canopy, hanging from a ceiling, on a ceiling, or on the wall of the proposed building, and that configurations for the proposed pole lights include single and triple headed mounts on 17, 20 and 22 foot poles, using a 3 foot concrete base. This results in a finished fixture height of 20, 23 and 25 feet, respectively; because, according to a 6/14/13 Email from Brian McCarthy of RJ O'Connell, the head is flush mounted and does not itself add additional height to the finished pole mount. Based on this information, the Commission finds, the finished height of the proposed pole mounts is consistent with Technical Bulletin 95-001, as amended.

EXLF2. The Commission finds the site lighting plans also indicate that wall or ceiling mounted fixtures are to be mounted at heights between 11 feet, 4 inches to 20 feet above finished grade, which is consistent with the maximum mount height of 20 feet as stipulated for wall mounts in Technical Bulletin 95-001, as amended.

EXLF3. Based on the fixture cuts provided in the DRI application, the Commission finds the proposed pole, ceiling, canopy and wall mounts to be used by the Applicant are consistent with MPS HPCC2.11 requirement to “*create a total cutoff of all light at less than ninety (90) degrees from vertical.*”

EXLF4. Based on the Applicant’s letter of July 29, 2013, the Commission finds that the Garden Center canopy is consistent with the Commission’s requirements of HPCC 2.11 in that it will be “*a structural steel roof deck which is opaque to light.*”

EXLF5. The Commission also finds based on the Applicant’s July 29, 2013 letter, that “*the Shade Structure or Green House Structure consists of a polycarbonate roof panel which is designed to be partially translucent allowing daylight to filter thru for the live plants below (sic)...*” and that lights within the Shade Structure will be equipped with “*a perimeter shield that further eliminates any upward light leakage.*”

EXLF6. According to the fixture cut sheets provided in the DRI Application, the fixture heads, regardless of mounting type, will use light emitting diodes, or LEDs. While LEDs not specifically mentioned by name as an allowed light type by MPS HPCC2.11 or Technical Bulletin, 95-001 based on the Commission’s interpretation and practice of allowing LEDs, the Commission finds that the proposed LED fixtures are consistent with the requirements of both MPS HPCC2.11 and the Technical Bulletin.

EXLF7. The Commission finds that the Applicant’s 9/20/13 revised exterior *Site Lighting Plans SP-10A, SP-10B, SP-10C, SP-10D*, show initial and maintained estimated foot-candle levels of 4.2 to 7.4, consistent with MPS HPCC2.11, which stipulates that foot-candle levels not exceed 8.0.

EXLF8. The Commission finds that based on the estimated initial and maintained foot-candle plans included with the DRI Application, the estimated light levels of 0.1 to 0.0 foot-candles at the 25 foot set-back line, and estimated light levels of 0.4 to 0.0 foot-candles at the property lines of the parcel to be developed, which is consistent with MPS HPCC2.11.

EXLF9. Based on the Applicant’s 10/22/13 submissions, the Commission finds that the proposed exterior lighting for the Lowe’s pediment sign and signs on the Lowe’s building is consistent with MPS HPCC2.12 and Technical Bulletin 95-001, as amended.

### **CONCLUSION**

Based on the above findings, the Commission hereby concludes:

1. The proposed development is consistent with the 2009 Regional Policy Plan (as amended) as provided within this written decision;
2. Dennis does not have a Local Comprehensive Plan which has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan, and therefore, this part of the test of approval does not apply to the proposed project;

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3. The proposed project site is not located in within a designated District of Critical Planning Concern in Dennis, other than the Cape-wide Fertilizer Management District of Critical Planning Concern;
4. The proposed project is consistent with the Cape-wide Fertilizer Management District of Critical Planning Concern because, although the Project Site is located within the Cape-wide Fertilizer Management District of Critical Planning Concern, as of the date of this decision, no Implementing Regulations have been approved by the Commission therefore there are no regulations with which the proposed project needs to comply.
5. The proposed project is consistent with Dennis' Development Bylaws. Specifically, *"the use is retail, allowed by right in its present location. The proposal is consistent with parking requirements, setback requirements, lot coverage restrictions and all Town landscaping requirements...The site is located in an Industrial zoning district, warehouse style lumber facilities are similar to other contractor properties nearby. Lowe's meets the Dennis Zoning definition of a Formula Based Business.* Further, if the number of parking spaces were reduced this could be addressed by the Dennis Site Plan Review and would not trigger the requirement for a Special Permit.
6. That the probable benefit of the proposed development is not greater than the probable detriment.

The Commission hereby denies the DRI application of Lowe's Home Centers, Inc. as a Development of Regional Impact pursuant to Sections 12 and 13 of the Commission Act, Chapter 716 of the Acts of 1989, as amended and Sections 3 and 7 of the *Enabling Regulations* Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) because the probable benefit of the proposed development is not greater than the probable detriment.

**SIGNATURES**

Executed this 9<sup>th</sup> day of January 2014.

[Handwritten Signature]  
Signature

JACK MCCORMACK CHAIR  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

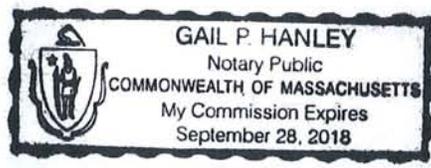
**Barnstable, ss**

January 9, 2014

Before me, the undersigned notary public, personally appeared Jack McCormack,

in his/her capacity as Chair 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



## Exhibit A

<b>A List of Materials Received or Sent by Date</b>	
<b>Materials from Cape Cod Commission</b>	<b>Date Sent</b>
Email, Andrea Adams (AA) to Phil Dascombe (PD): AA is project manager	7/19/12
Email, PD to Rob Jess (RJ), Brian McCarthy (BMC), Attorney Michael Ford (Ford), AA, Robert C. Chamberlain, Ryan Bennett (was Christenberry) (RB): Scheduling meetings	7/20/12
Email, AA to Kristy Senatori (KS), Gail Coyne (GC): Estimated fee	7/20/12
Email, Scott Michaud (SM) to AA: Message from Jamie Anderson (JA) on Water Resources issues	7/25/12
Email, AA to JA, SM: Scheduling meetings on Water Resources issues	7/27/12
Email, PD to AA: Scheduling meetings	8/1/12
Email, AA to Paul Ruchinkas (PR), PD, Sarah Korjeff (SK), Tabitha Harkin (TH), Heather McElroy (HM), SM, Steven Tupper (ST), Glenn Cannon (GC), Leslie Richardson (LR), RB, Attorney Jessica Wielgus (JW): Request to be kept abreast of Email and other correspondence for the file	8/1/12
Letter, GC to Mathew Kealey (MK), VHB: Scope of traffic study	8/2/12
Email, GC to AA w/attachment: Transportation staff's response to Applicant's proposed scope of work for a transportation study	8/3/12
Email, AA to MFord, Daniel Fortier (DF), Dennis Town Planner, GC, ST w/attachment: Commission staff's letter on transportation study	8/3/12
Email, AA to DF, JW, GC, SM, HM, RB, PD, LR: Dan Fortier's comments	8/3/12
Email, GC to AA: Scheduling meetings	8/8/12
Email, AA to DF, GC, ST: Scheduling meetings on transportation issues	8/9/12
Letter, GC to MK, VHB: Study area intersections	8/14/12
Email, AA to Gail Hanley, Clerk: Add Jonathan Santy to Abutter's List	10/15/12
Email, AA to DF, Ford, SK, TH, PD, KS: Comments on landscaping	10/19/12
Email, AA to DF: Confirm that Andrea Adams is project contact	10/19/12
Email, TH to DF, AA, Ford, SK, PD, KS: Comments back on landscaping	10/19/12
Email, AA to Ford, David Koerner, (DK), DF, JW, KS: Asking if the project must file an ENF or EIR with MEPA	10/22/12
Email, PD to AA, DF: Meeting on Community Character issues	11/7/12
Email, AA to PD, DF, BMC, TH: Meeting on Community Character issues	11/8/12
Email, AA to PD, DF, BMC, TH: Meeting on Community Character issues	11/8/12
Email, AA to Michael Sarli: Receipt of his letter; transmittal to Applicant	11/27/12
Email, AA to Ford, DF: Transmit copy of Michael Sarli's letter	11/27/12
Email, AA to TH, SK, PD w/attachment: Michael Sarli's comment letter	11/27/12
Email, AA to GC, ST w/attachment: Michael Sarli's comment letter	11/27/12
Email, AA to HM, SM, BMC: Scheduling meetings	11/28/12
Email, HM to BMC, AA w/attachment: Assessor's data for Dennis concerning open space purchases	12/13/12
Email, AA to Jonathon Idman (JI) and Eliza Cox (EC), Nutter, McClennen & Fish: Do not know of filing with Commission or Town	12/27/12
Email, AA to EC, JI: Status of filing – No knowledge of filing with Town or Commission	1/2/13

Email, GC to Doug Prentis, Fay, Spofford & Thorndike: Seeking traffic related data from Lowe's – No data – Application not filed	1/2/13
Email, AA to Cindy McGrath (CMG), JI: Not aware anything has been filed on Lowe's with the Town or Commission	1/17/13
Email, GC to Hart, AA: Meet with MA DOT on 2/8/13	2/5/13
Email, AA to DF, JW: Application and DRI referral	2/6/13
Email, ST to AA, Hart, GG: Discussion of meeting with MA DOT	2/6/13
Email, AA to CMG: File review still desired?	2/7/13
Email, AA to GC, ST, JW: Email from Hart on Traffic Study	2/14/13
Email, AA to GC, ST, JW: Email from Hart on Traffic Study	2/14/13
Email, AA to GC, ST, JW: Email from Hart responding to Dan Fortier	2/14/13
Email, AA to CMG, JW: Status of DRI application/referral	2/14/13
Email, AA to CMG, JW: Status of Subcommittee selection	2/14/13
Letter, Gail Hanley to Mike Harless, Lowe's: DRI referral received	2/14/13
Email, AA to JW: Email from DF about meeting of Planning Board	2/14/13
Email, AA to Gail Hanley: Include Liza Cox and CMG on list of persons to received Commission notices	2/14/13
Email, AA to Carole Bell, Ford, BMC, DF: Acknowledge receipt of comments	2/19/13
Email, AA to Bonnie Hempel, Ford, BMC, DF: Receipt of comments	2/19/13
Email, AA to George Cunningham, Ford, BMC, DF: Receipt of comments	2/19/13
Email, AA to <a href="mailto:Bcbts@yahoo.com">Bcbts@yahoo.com</a> , Gail Hanley, DF: Where to send comments	2/19/13
Email, AA to Martha Lang, Ford, DF, BMC: Receipt of comments	2/20/13
Email, AA to Patricia Short, Ford, DF, BMC: Receipt of comments	2/20/13
Email, Tom Cambareri: Application complete for Water Resources	2/20/13
Email, HM to AA: Application complete for starting Natural Resources review	2/21/13
Email, Sarah Korjeff (SK) to AA: Application complete for Community Character although perspective drawings will be requested	2/21/13
Email, AA to David Otis, Ford, DF, BMC: Receipt of comments	2/26/13
Email, AA to Joy Caporello, Ford, DF, BMC: Receipt of comments	2/26/13
Email, AA to CMG, JW: Status of staff report and Subcommittee selection	2/26/13
Email, PR to AA: Application completeness comments in Affordable Housing and Energy Resources	2/26/13
Email, Erin Jackson to AA: Information on Lowe's for Melissa Sanderson, Commercial Hook Fisherman's Association	3/1/13
Email, AA to JW: Seeking advice on Email from Melissa Sanderson	3/1/13
Email, AA to Erin Jackson, JW, Melissa Sanderson: Provided contact information for Brian McCarthy	3/1/13
Email, AA to BMC, Ford: Transmittal of Emails/letters from 2/28/13 to 3/1/13	3/4/13
Email, PR to AA: Note that Affordable Housing mitigation amount for MPS AH3.1 has been updated as of 3/1/13	3/5/13
Email, GC to AA, ST, JW: Meeting with Hart and MA DOT on 3/14/13	3/5/13
Email, ST to GC, AA: Transportation completeness comments (attached)	3/5/13
Email, AA to John Bellino: Where to send comments	3/6/13
Letter, AA to BMC: Application completeness	3/7/13
Email, AA to BMC, Ford: Transmittal of Application completeness letter	3/8/13
Email, AA to BMC, Ford: Re-send of Application completeness letter	3/8/13
Email, AA to GC, RB, JW: Scheduling meeting with Applicant to discuss	3/8/13

application completeness letter	
Email, RB to AA, GG, JW: Ryan available for meeting; request copy of completeness letter	3/8/13
Email, AA to BMC, Ford: Transmittal of Emails/letters 3/1/13 to 3/2/13	3/8/13
Email, AA to BMC, Ford: Transmittal of Emails/letters 3/3/13 to 3/4/13	3/8/13
Email, AA to BMC, Ford: Transmittal of Emails/letters 3/5/13 to 3/6/13	3/8/13
Email, AA to BMC, Ford: Transmittal of Emails/letters 3/7/13 to 3/8/13	3/8/13
Email, AA to Attorney Michael Scott, Nutter and GH: Include on list of persons to receive Commission notices	3/8/13
Email, GC to MK, AA: Updated Transit Equivalency Calculation Sheet	3/11/13
Email, AA to BMC, JW, PR, RB, CG, ST: Meeting on Lowe's application	3/12/13
Email, AA to BMC, DF, Ford: Letters received on 3/6/13 and 3/12/13	3/12/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/8/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/9/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/10/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/11/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/12/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/13/13	3/15/13
Email, AA to BMC, Ford: Transmittal of more Emails/letters of 3/14/13	3/15/13
Email, AA to BMC, Ford: Clarify number of Emails sent with correspondence	3/15/13
Email, ST to Hart, MK, GC, AA w/spreadsheet: Transit cost information	3/15/13
Email, AA to Ken Cram: Contact as Project Manager re: info request	3/18/13
Email, GC to AA: Lowe's completeness comments - Transportation	3/18/13
Email, AA to Attorney Reid, GH, JW: Response to receipt of his letter and purpose of April 5, 2013 pro-forma procedural hearing	3/18/13
Email, AA to BMC, Ford, DF, JW: Letter from Attorney Reid	3/18/13
Email, AA to Ken Cram: Response to his Email seeking information	3/18/13
Email, AA to CMG, JW: Response to her inquiry about Commission representation and if Subcommittee selected	3/18/13
Email, AA to Attorney Reid: Receipt of his Email relative to her response	3/18/13
Email, AA to GH, JW: Project description for Hearing Notice for pro-forma hearing on 4/5/13 ( <i>Attachments: Descriptions from Applicant material</i> )	3/19/13
Letter, GH to Mike Harless, Lowe's: Cost to publish hearing notice ( <i>Attachment: Hearing Notice for 4/5/13</i> )	3/19/13
Email, AA to Mr. Messadri, DF, JW: Purpose of pro-forma hearing on 4/5/13 ( <i>Attachment: Sample hearing notice for substantive hearing</i> )	3/21/13
Letter, AA to BMC, Mike Harless, DF: Application not complete	3/22/13
Email, AA to Ken Cram, JW, GC: Information from file ( <i>Attachments: 3/7/13 and 3/23/13 letters, 3/13/13 Transpo information from Applicant</i> )	3/26/13
Copy of 3/26/13 Email to Ken Cram: Hard copies of info mailed on 3/26/13	3/26/13
Email, AA to Hart, GC, ST, Ford, BMC, MK, Koerner, Chamberlain: Meeting times and dates	3/26/13
Email, AA to Hart, GC, ST, Ford, BMC, MK, Koerner, Chamberlain: Meeting times and dates	3/26/13
Email, GC to AA: Email from Ford with copy of 3/22/13 letter	3/27/13
Email, AA to Ford, BMC, JW: Copy by Email of 3/22/13 letter	3/27/13
Email, ST to Hart, MK, GC, AA: Transit Equivalency Calculation sheet	3/29/13
Email, AA to Ford, BMC: Letters and Emails received on 3/15/13	4/1/13

Email, AA to Ford, BMC: Letters and Emails received from 3/16/13 to 3/17/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/18/13 to 3/19/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/20/13 to 3/21/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/22/13 to 3/23/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/24/13 to 3/26/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/27/13 to 3/28/13	4/1/13
Email, AA to Ford, BMC: Letters and Emails received from 3/30/13 to 3/31/13	4/1/13
Email, AA to Ford, GC, JW, DK, David W, Chamberlain, Hart, BMC: Application completeness	4/2/13
Email, AA to GC, JW: Transmittal of MK's Email seeking clarification on Growth/Activity Center vs Economic Center	4/2/13
Email, GC to AA, ST: Economic Center is not the same as a Growth/Activity Center	4/2/13
Email, AA to MK, JW, GC, ST, Ford: Growth/Activity Center is not the same as an Economic Center	4/2/13
Email, AA to BMC: Letters and Emails received on 4/1/13, 4/2/13 and 4/4/13 (none received on 4/3/13)	4/5/13
Letter, AA to Ford and Others: DRI application substantially complete to proceed to a substantive hearing	4/5/13
Hearing Notice: Hearing Officer to open the hearing (pro-forma)	4/5/13
Minutes: Hearing Officer from pro-forma hearing	4/5/13
Email, PR to AA: Draft Affordable Housing Staff report comments	4/5/13
Email, AA to DF, JW: Seeking comments on proposed project	4/8/13
Email, AA to Spyro Mitrokostas: Date of tentative public hearing	4/9/13
Email, AA to JW: Note that date of tentative hearing (5/9/13) is date of Dennis Chamber's Annual Meeting and Banquet	4/9/13
Email, AA to Ford, BMC: Letters and Emails received on 4/5/13 and 4/6/13	4/9/13
Email, AA to Ford, BMC: Letters and Emails received on 4/7/13 and 4/8/13	4/9/13
Email, AA to Ford, BMC: Letters and Emails received from Spyro Mitrokostas	4/9/13
Email, Laura Peckham, MIIA Member Services (Barnstable County) to AA, Gail Coyne: Insurance requirements	4/9/13
Email, AA to Karen Hunt, DY Regional Schools: Use of room at Wixon School	4/9/13
Email, AA to Laura Peckham, MIIA Member Services (Barnstable County), Gail Coyne: Request for insurance certificate for use of Wixon School	4/9/13
Email, AA to Karen Rood, DY Regional Schools: Requirements for Insurance certificate	4/9/13
Email, Laura Peckham, MIIA Member Services, to AA, Gail Coyne with attachment: Insurance certificate	4/10/13
Email, AA to Karen Rood, Gail Coyne: PDF copy of insurance certificate	4/10/13
Email, SK to Burt Derrick: Where to send comments on project	4/10/13
Email, AA to Ford, BMC, DF with attachment: April 10, 2013 letter from Nutter	4/10/13
Email, AA to Sandra Cashen, Karen Rood and Kenneth Girouard of DY Regional Schools, Gail Coyne and Lisa Dillon: Set up for use of Wixon School Subcommittee Establishment Form, Signed by JD Harris	4/10/13
Email, AA to Ford, BMC, with attachments: PDF copies of comment letters or Emails received April 9, 2013, April 10, 2013 and April 11, 2012	4/11/13
Email, KS to Richard Roy, AA, JW, GH: Subcommittee membership	4/12/13
Email, ST to MK, Hart, GC, AA: 2012 Traffic Counting Report	4/12/13
Email, Commission Member Richard Roy to KS, AA, JW, GH: Meet with	4/12/13

Commission staff before hearing	
Email, AA to Christine Legere, Cape Cod Times: Copy of Hearing Notice	4/22/13
Letter, GH to Mike Harless, Lowe's: Billing letter for publishing Notice with Hearing Notice attached	4/22/13
Email, AA to Ken Cram, MK, ST, GC: Copy of materials from file	4/23/13
Email, AA to Hart, MK, GC: County having telephone problems	4/23/13
Email, AA to Ford, JW: Discussion of possible hearing outline	4/23/13
Email, AA to Attorney Reid: Answers to questions posed in his 4/25/13 Email about the public hearing process	4/26/13
Email, AA to CMG, with attachments: Copies of Letters of Withdrawal from Applicant (Town, Commission)	4/30/13
Letter, GC to MK: Response to VHB Memo dated 4/26/13 - Transportation	5/1/13
Email, AA to Ford, BMC, with attachment: PDF copy of comment letters or Emails received April 12, 2013	5/2/13
Email, AA to Ford, BMC, with attachment: PDF copy of comment letters or Emails received April 13, 2013	5/2/13
Email, AA to Ford, BMC, with attachment: PDF copy of comment letters or Emails received April 14, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 15, 2013, April 16, 2013, and April 17, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 18, 2013, April 19, 2013, and April 21, 2013 ( <i>None received on 4/20/13</i> )	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 22, 2013 and April 23, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 24, 2013 and April 25, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 25, 2013 (second batch) and April 26, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 28, 2013 and April 29, 2013 ( <i>None received on 4/27/13</i> )	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received April 29, 2013 and April 30, 2013	5/2/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received by Executive Director on May 1, 2013	5/3/13
Email, AA to Ford, BMC, with attachments: PDF copy of comment letters or Emails received by Executive Director on May 2, 2013	5/3/13
Press Release: May 9, 2013 Hearing Cancelled	5/6/13
Hearing Notice: Cancellation	5/6/13
Email, AA to Cape Cod Audio: Cancel use of company to provide sound system	5/6/13
Email, AA to KRoood, DY District, with attach: Change use of Wixon Auditorium. Cancel for use as public hearing <i>Attachment: Cancellation notice</i>	5/6/13
Email, GH to Theresa Bruce, Dennis Town Clerk, with attachment: Cancellation of public hearing <i>Attachment: Cancellation notice</i>	5/6/13
Email, GC to RH, AA, with attachment: Response to 4/26/13 Memo	5/6/13
Email, AA to Spyro Mitrokostas: Determination of Executive Committee	5/6/13
Email, GH to Theresa Bunce, AA: Cancellation Notice (previously sent)	5/7/13
Email, AA to GH: Add person to list to receive notices	5/8/13
Email, AA to Attorney Cox: Copy of Press Release	5/8/13
<b>New DRI Referral Received May 9, 2013</b>	

Email, AA to CMcGrath: Not seen DRI filing as of May 9, 2013	5/9/13
Email, AA to GH, JW: Copy of new DRI referral from Town	5/9/13
Email, AA to Staff: Seeking Application completeness comments	5/13/13
Letter, GH to MHarless, Lowes, with attachment: DRI referral received from Town <i>Attachment: Town Referral Form</i>	5/14/13
Email, AA to ECox, Nutter, McClennen & Fish: Response to her Email seeking information on whether DRI application re-filed with Commission	5/20/13
Email, AA to Ford: Update on status of Commission staff's completeness review of DRI application	5/22/13
Email, SK to AA: Application completeness	5/23/13
Letter, AA to BMC: DRI Application not complete	5/28/13
Email, AA to BMC: Transmittal of letter on Application completeness	5/29/13
Email, AA to Ford, BMC, DF: Use Commission webpage to get public comment and other documents not specifically addressed to them	5/29/13
Color Photocopy of Green Return Receipt Cards to 5/14/13 Letter to Harless <i>(Last one returned on 5/29/13)</i>	5/29/13
Color Photocopy of Green Return Receipt Card to 5/28/13 Letter to BMC that DRI application not complete	6/3/13
Email, AA to BMC: Received new lighting information/clarifications	6/5/13
Memorandum, Glenn Cannon (GCannon) & Steven Tupper (STupper) to AA: Response to 5/31/13 letter: Application substantially complete	6/6/13
Signed and notarized Subcommittee Establishment Form	6/11/13
Letter, AA to Ford, BMC, Harless, DF, File: DRI application substantially complete to proceed to substantive public hearing	6/11/13
Email, AA to Ford, BMC: Notifying them letter determining DRI application is substantially complete is on its way in the mail	6/11/13
Email, AA to Karen Rood, DY Regional School District: Scheduling possible hearing dates – some dates can be removed from reservation system	6/11/13
Email, AA to Laura Peckham, County Insurance carrier: Seeking insurance certificates for use of Wixon School	6/11/13
Email, AA to Subcommittee Members/Alternates and DF: Tentative hearing dates of 7/16/13 and 7/30/13	6/11/13
Email, AA to Karen Rood, DY Regional School District: Further coordination on possible hearing dates and use of Wixon School	6/11/13
Email, AA to Ford, BMC, DF, with attachment: Copy of letter determining DRI application substantially complete	6/11/13
Email, Laura Peckham, County Insurance carrier, to AA, with attachment: Copy of insurance certificate	6/11/13
Email, AA to Karen Rood, DY Regional School District, with attachment: Copy of Insurance Certificate for use of school facilities	6/11/13
Email, AA to Laura Peckham, County Insurance carrier: DY School District needs coverage of \$1.0 million	6/11/13
Email, Laura Peckham, County Insurance carrier, to AA: Limits of insurance certificate are in thousands so provides required \$1.0 million in coverage	6/11/13
Email, AA to Karen Rood, DY Regional School District: Does clarification from Laura Peckham that limits are in thousands clarify the issue?	6/11/13
Email, AA to Ford: Tentative hearing location is Wixon School, but waiting for DY School District to give final permission to use facilities	6/12/13
Email, AA to Commission Staff, with attachment: Hearing dates and copy of APCC's letter	6/12/13
Email, GCannon to RHart: Scheduling Transportation meeting	6/12/13
Email, AA to Ford, BMC, DF: Use of Wixon school confirmed	6/13/13

Email, AA to Ford, BMC, RHart, w/attach: 6/6/13 Transportation Memo	6/14/13
Letter, GH to Harless: Publish Proforma Notice for July 5, 2013	6/18/13
Email, AA to DF, JW: Request comments on DRI approval criteria	6/20/13
Email, AA to DF: Thank you for clarification about approval criteria comments and transportation information is new	6/24/13
Email, AA to DF, with attachment: Copy of 5/31/13 letter and attachment from RJ O'Connell and VHB on Transportation issues	6/24/13
Email, AA to Subcommittee: Hearing date and site visit reminder (7/16/13)	6/25/13
Email, AA to Ford, BMC, DF: Hearing date reminder (7/16/13)	6/25/13
Email, AA to DF, Ford, BMC: Proposed start time for 7/16/13 public hearing	6/25/13
Email, AA to Ford, BMC, with attach: Copies of unpaid invoices for Notices	6/25/13
Email, AA to Jacqueline Etsten, Harwich Commission Member and new Alternate on Subcommittee - Scheduling	6/27/13
Letter, Gail Hanley, Clerk, to Mike Harless: Noticing of 7/16/13 Hearing	6/27/13
Hearing Notice, Proforma, Hearing Officer, Open DRI Hearing	7/5/13
Hearing Officer Minutes	7/5/13
Memo, AA to Subcommittee: Transmittal of materials for 7/16/13 Hearing	7/9/13
Staff Report	7/9/13
Email, AA to John Lipman: Confirm receipt of Memo and request to make a presentation at the public hearing	7/9/13
Email, AA to Hank Bowen: Confirm receipt of request to make a presentation at the public hearing and will send copy of staff report	7/9/13
Email, AA to Cindy McGrath, Nutter, McClennen & Fish: Received Email with updated report and hard copy; Will send staff report by Email	7/9/13
Email, with attachment: AA to BMG, Ford: Copy of staff report	7/9/13
Email, with attachment: AA to DF, Hank Bowen: Copy of staff report	7/9/13
Email, with attachment: AA to ECox, Cindy McGrath, Ken Cram, John Lipman: Copy of staff report	7/9/13
Email, AA to Ford, BMC, DF: Forward DF's comment that Town does not have Applicant's information	7/10/13
Email, AA to Don Keeran, APCC, with attachment: Copy of Commission staff report	7/10/13
Email, AA to Ford, BMC, DF: Seen response from RHart to DF providing 6/27/13 information but not 7/2/13 information	7/10/13
Email, AA to Commission staff: Copy of staff report	7/10/13
Email, Commission Member Etsten, to AA: Unable to attend hearing on 7/16/13	7/15/16
Email, GH to AA and Commission Member Mary Pat Flynn: Can attend hearing on 7/16/13 and directions	7/15/13
Memo, AA to County Commission Member Mary Pat Flynn: Transmittal of materials for 7/16/13 Hearing (Replacement for member with conflict)	7/15/13
Email, AA to County Commission Member Mary Pat Flynn: Update on Hearing on 7/16/13; Site Visit and other materials to pick up	7/15/13
Subcommittee Establishment Form	7/16/13
Hearing Notice, Substantive Public Hearing	7/16/13
Minutes, Subcommittee Public Hearing (approved 10/10/13)	7/16/13
Email, AA to Sandy Cashen, Karen Rood, Cape Cod Audio (Chip), Lt. DiMatteo: Thanks for assistance and professionalism at 7/16/13 public hearing	7/17/13
Email, with attachment: GH to Teresa Bunce, Town Clerk: Hearing Notice for continued hearing on 7/30/13	7/17/13

Email, Attorney Jessica Wielgus, Commission Counsel, to Ford: Response to request for meeting with Commission staff to go over staff report	7/17/13
Email, AA to ECox, with attachment: Send copy of Applicant's Power Point from July 16, 2013 public hearing	7/22/13
Email, AA to BMC: Request list of Applicant's consultants names and titles to add to Minutes for July 16, 2013 public hearing	7/24/13
Email, Jessica Wielgus, to Ford: Response to Attorney Ford's phone call on 7/24/13 concerning correspondence outlining questions for Commission staff	7/25/13
Hearing Notice, October 2, 2013 Hearing Officer	7/29/13
Email, AA to Commission staff: Link to download Supplemental Information from Lowe's consultants	7/29/13
Email, AA to Commission staff: Folder for Supplemental Information filed by Lowe's and consultants	7/30/13
Hearing Notice, Continued Hearing	7/30/13
Approved Minutes, Continued Subcommittee Hearing (approved 10/10/13)	7/30/13
Memorandum, GCannon and STupper, Transportation staff: Response to Comments	7/30/13
Power Point, Commission Staff, given at 7/30/13 Hearing	7/30/13
Email, JW to MFord: Staff report	8/1/13
Email, GHanley to TBunce: Hearing Notice	8/6/13
Email, Nancy Hossfeld (NH) to Nichole Muller, Reporter, <i>Register</i> : Will add her name to the list of people to receive Commission notices for Dennis projects	8/9/13
Email, AA to MFord, BMC: Unpaid invoices for advertising hearings	8/13/13
Email, AA to MFord, BMC: Unpaid invoices for advertising hearings (second)	8/13/13
Email, AA to ECox: Doctor Barrow's comments at public hearing	8/13/13
Memo, AA to File: Analysis of Exterior Lighting and Sign Lighting for 8/15/13 staff report	8/13/13
Email, AA to Commission staff: Distribution of Applicant's 8/14/13 submission	8/14/13
Email, AA to Commission staff: Excerpt from Applicant's 8/14/13 submission of Memo from Dennis Police Department	8/14/13
Email, NH to Nicole Muller: Response to her question on Commission process	8/14/13
Email, AA to Tom Cambareri: Distribution of Applicant's 8/14/13 submission	8/14/13
Email, AA to Thomas Leab: Response on how to send comments	8/14/13
Email, JW to MFord: Status of staff report	8/14/13
Memo, Leslie Richardson to AA: Memo, Clarification on Pyramid Associates and FXM Associates Economic Analyses	8/14/13
Memo, Leslie Richardson to AA: Memo, Best Development Practices	8/14/13
Staff comments, Ryan Bennett: Comments on Energy and Land Use	8/14/13
Staff comments, Heather McElroy: Natural Resources and Open Space	8/14/13
Staff comments, Water Resources	8/14/13
Staff comments, Tabitha Harkin, Sarah Korjeff and Sharon Rooney: Heritage Preservation, Community Character, including Landscaping	8/14/13
Staff comments, Paul Ruchinkas: Affordable Housing	8/14/13
Memo, Glenn Cannon and Steven Tupper: Transportation comments	8/14/13
Memo, Sharon Rooney to AA: Dennis LCP Consistency	8/15/13
Memo, AA to Subcommittee: Cover to Staff Report	8/15/13
Staff Report with Exhibits A and B	8/15/13
Copy of Commission's <i>Local Comprehensive Plan Regulations</i> , Adopted 2/28/93 and Revised 6/19/97	8/15/13

Copy of 12/11/01 letter from Daniel Fortier, Dennis Town Planner, to John Lipman, Commission's Chief Planner/Deputy Director	8/15/13
Copy of 1/23/02 Memo from Tana Watt, Commission Planner, to Commission Planning Committee on Dennis Local Comprehensive Plan	8/15/13
Copy of Printout of Dennis LCP Homepage	8/15/13
Email, JW to Linsay at Attorney Ford's Office: Will send her request to Andrea Adams so that Andrea can send a copy of the 8/15/13 staff report to Attorney Ford and Brian McCarthy at RJ O'Connell	8/15/13
Email, AA to Commission staff: Copy of 8/15/13 staff report	8/15/13
Email, AA to MFord, BMC, DF: Copy of 8/15/13 staff report	8/15/13
Email, AA to MFord, BMC, DF: Compressed copy of file containing 8/15/13 staff report (2 <sup>nd</sup> attempt to send)	8/15/13
Email, AA to MFord, BMC, DF: Copy of Memo from Leslie Richardson analyzing FXM and Pyramid studies	8/15/13
Email, AA, to MFord, BMC, DF: Copies of other materials provided to Commission members with staff report	8/15/13
Email, AA to Don Keeran, APCC: Transmit copy of 8/15/13 staff report	8/19/13
Email, AA to BMC, MFord, DF: Transmit copy of 8/15/13 staff report and Exhibits A and B with minor correction to Land Use section	8/19/13
Email, JW to ECox: Subcommittee questions at 8/22/13 hearing	8/20/13
Email, AA to Jeffrey Dirk: Response to his inquiry to Glenn Cannon for info	8/21/13
Hearing Notice, Continued Hearing	8/22/13
Sign In Sheet for Hearing: Those speaking/giving new testimony	8/22/13
Color copy of Power Point presentation given by Commission staff at hearing	8/22/13
Certificate of Participation in a Session Hearing Where the Undersigned Missed a Single Hearing Session for Subcommittee Member John D. Harris	8/22/13
Approved Minutes, Continued Subcommittee Hearing (approved 10/10/13)	8/22/13
Email, GH to TBunce: Copy of Hearing Notice for Continued Subcommittee Hearing on 9/12/13	8/28/13
Email, JW to MFord: Discussion of dates for meetings with Commission staff	8/28/13
Email, JW to MFord: Seeking further details on topics of discussion with staff	8/28/13
Email, JW to MFord: Further discussion of meeting dates with Commission staff and possible topics of discussion	8/28/13
Email, AA to JW and Staff: Forward PDF of 9/6/13 letter from Attorney Cox	9/9/13
Email, AA to JW and Staff: Forward 9/6/13 Email from Dan Fortier	9/9/13
Email, AA to Staff: Forward PDF of 9/6/13 letter from Attorney Cox	9/9/13
Email, AA to DFortier: Received comments; Not at meeting on 9/6/13	9/9/13
Email, AA to LRichardson: Forward comments from Lowe's	9/9/13
Memo, LRichardson to Subcommittee: Comments on Lowe's Economic Development	9/9/13
Email, AA to ECox: Received comments and processing them	9/10/13
Email, AA to Commission Staff: Distribute Applicant's 9/11/13 submittals	9/12/13
Hearing Notice, Continued Hearing, September 12, 2013	9/12/13
Certificate of Participation: Len Short (dated 9/10/13)	Received 9/12/13
Staff Memorandum to the File: Outstanding Issues	9/12/13
Power Point Presentation by Leslie Richardson on Economic Development	9/12/13
Memo, Transportation Staff, to Project File: Comments on Safety	9/12/13
Power Point Presentation by Glenn Cannon on Transportation issues	9/12/13

Approved Minutes, Continued Subcommittee Hearing (approved 10/10/13)	9/12/13
Email, AA to BMC, MFord, with attachments: Transmit copies of staff Memos and other items distributed at 9/12/13 continued hearing	9/13/13
Email, AA to BMC, MFord, with attachments: Transmit copies of public comments received at the continued hearing on 9/12/13	9/13/13
Email, AA to ECox, with attachments: Transmit copies of staff Memos and other items distributed at 9/12/13 continued hearing	9/13/13
Email, AA to ECox, with attachments: Copy of Lowe's Power Point presentation given at 9/12/13 continued hearing	9/13/13
Email, AA to David Koerner, BMC: Discussion of Commission's exterior lighting requirements	9/17/13
Email, JW to Commission staff: Forward Email from BMC with updated site plans	9/18/13
Email, AA to BMC: Large size plan set (9/18/13) incomplete: missing landscape plans	9/19/13
Email, Paul Ruchinkas to BMC: Discussion of Affordable Housing issues	9/19/13
Email, AA to Commission staff: Forward newest information from Lowe's	9/23/13
Email, AA to Commission staff: Forward comment letter from Attorney Cox	9/23/13
Hearing Notice, Continued Hearing	9/25/13
Commission staff: Transportation Power Point (given at continued hearing)	9/25/13
Informational sheet on How to Submit Comments before Record Closes	9/25/13
Staff Report	9/25/13
Email, AA to Ford, BMC, with attachment: Transmit staff report	9/25/13
Email, AA to ECox, with attachment: Transmit staff report	9/25/13
Email, AA to Dan Fortier, with attachment: Transmit staff report	9/25/13
Certification of Participation in Session/Hearing Missed (Elizabeth Taylor)	9/25/13
Approved Minutes, Continued Subcommittee Hearing (approved 10/10/13)	9/25/13
Memorandum, Leslie Richardson, to Subcommittee: Comments on Economic Development	10/1/13
Email, AA to Dan Fortier: Has underlying zoning changed?	10/1/13
Hearing Officer Minutes	10/2/13
Email, Gail Hanley to Theresa Bunce, Dennis Town Clerk: Transmit Meeting Notice for 4 Subcommittee meetings	10/3/13
Email, AA to Subcommittee: Transmit meeting times, date, locations for 4 Subcommittee meetings Attachment: PDF of meeting notice	10/3/13
Email, John H. McCormack, Jr., Subcommittee Alternate, to AA: When will record close?	10/3/13
Email, Royden Richardson, Subcommittee member to AA: His availability to make the meetings	10/3/13
Email, Richard Roy, Subcommittee Chair, to AA: His availability to make the meetings	10/3/13
Email, Leonard Short, Subcommittee Member, to AA: Seeking location of one of the meetings (Innovation Room)	10/3/13
Subcommittee Meeting Minutes	10/3/13
Email, AA to Royden Richardson, Subcommittee Member: Discussion of meeting times	10/4/13
Email, Royden Richardson, Subcommittee Member, to AA: Discussion of his availability to make the meetings	10/4/13
Emails (2), AA to Subcommittee Members: Transmit copies of draft Minutes from Subcommittee Public Hearings (PDFs attached)	10/7/13

Memo, Commission Transportation staff, to file: Discussion of Transportation issues relative to information received after 9/25/13	10/8/13
Email, JW to Ford: Discussion of Transportation issues in response to a request for a meeting with Commission staff	10/8/13
Email, AA to Subcommittee: Transmit to them 10/8/13 staff Memorandum on Transportation issues	10/9/13
Approved Subcommittee Meeting Minutes	10/10/13
Email, AA to Commission staff: Transmit Dan Fortier's Email seeking "staff report" which appears to be VHB Memorandum of 10/11/13	10/16/13
Email, AA to Commission staff: Forwarding copy of Don Keeran's (APCC) letter	10/16/13
Email, AA to Jamie Anderson, RJ O'Connell: Discussion of whether or not there will be a computer and projector at next Subcommittee meeting venue	10/16/13
Email, AA to Dan Fortier: How to download a copy of the Cape Cod Commission staff's October 8, 2013 Memo to the File	10/16/13
Memorandum, AA to Subcommittee Members: Transmit copies of materials received for the record	10/16/13
Email, AA to Commission Staff: Copy of additional information from Lowe's	10/17/13
Email, AA to Commission Staff: Copy of comment letter from ECox	10/17/13
Email, AA to Commission Staff: Copy of APCC's comment letter	10/17/13
Email: AA to Subcommittee: Transmit copies of 10/11/13 Memo from Randy Hart, VHB; 10/15/13 APCC letter; 10/15/13 ECox letter; 10/21/13 Commission staff Transportation Memo at the direction of the Subcommittee Chair	10/21/13
Commission Transportation staff Memo	10/21/13
Approved Subcommittee Meeting Minutes	10/21/13
Email, AA to Ford: Transmit extra copy of 10/21/13 Commission Transportation staff Memo	10/21/13
Email, Gail Hanley, Commission Clerk, to Theresa Bunce, Dennis Town Clerk: Transmit Notice for November Subcommittee Meetings	10/22/13
Approved Subcommittee Meeting Minutes	10/24/13
Email, AA to Subcommittee: Meeting reminder for 11/1/13	10/25/13
Letter, Gail Hanley to Make Harless, Lowe's: Cost for public hearing notice and attached notice for November 14, 2013	10/25/13
Email, Gail Hanley to Theresa Bunce, Dennis Town Clerk, with attachment: Revised Meeting Notice for Subcommittee meetings	10/25/13
Email, AA to Ford, with attachment: Updated Meeting Notice	10/29/13
Extension Agreement with Applicant: Extend Decision Period to 12/20/13	10/29/13
Hearing Notice for 11/14/13: Cancellation	10/29/13
Email, AA to Commission staff: Forward of additional information submitted by Lowe's via a file share site	10/29/13
Approved Subcommittee Meeting Minutes	10/29/13
Email, AA to Commission staff: Additional copy of 8/15/13 staff report	10/31/13
Email, AA to Subcommittee Members: Copy of APCC letter of 11/1/13	11/1/13
Email, AA to Commission staff: Copy of APCC letter of 11/1/13	11/1/13
Memorandum to the File: Commission staff: Revised BDP Analyses <i>Attachments: Community Character BDPs (10/31/13); Water Resources BDP WM1.6 (11/1/13); Affordable Housing BDPs (10/31/13); Transportation BDPs (10/31/13)</i>	11/1/13
Email, Taree McIntyre to Commission Staff: Forward a copy of 11/1/13 Email from Eliza Cox, commenting on project	11/1/13
Email, Taree McIntyre to Subcommittee: Forward a copy of 11/1/13 Email from Eliza Cox, commenting on project	11/1/13

Approved Subcommittee Meeting Minutes	11/1/13
Email, AA to Subcommittee: Forward a copy of 11/1/13 Email from Dan Fortier	11/3/13
Email, AA to Commission Staff: Forward a copy of 11/1/13 Email from Dan Fortier	11/4/13
Extension Agreement with Applicant: Extend Decision Period to 1/31/14	11/4/13
Approved Subcommittee Meeting Minutes	11/4/13
Cancellation Notice of 11/14/13 Commission Public Hearing on Lowe's	11/4/13
Cancellation Notice of 11/14/13 Commission Public Hearing on Lowe's with note about cancellation of 11/12/13 public hearing on Lowe's	11/4/13
Subcommittee Meeting Notice for 11/14/13	11/4/13
Cancellation of Subcommittee Meeting on 11/7/13	11/5/13
Email, AA to Commission Staff: Forward a link to a file share site to retrieve additional information from Lowe's	11/6/13
Email, AA to Ford: Confirmation of 11/14/13 Subcommittee Meeting	11/7/13
Email, AA to Subcommittee: Forward a PDF of Lowe's 11/6/13 supplemental materials	11/7/13
Cover Memo, AA to Subcommittee: Hard copies of Lowe's 11/6/13 info.	11/7/13
Email, AA to Susan Kadar, Former Commission Member: Response to her question about Subcommittee Membership and meetings	11/8/13
Email, AA to Subcommittee: PDF of 11/8/13 comment letter from APCC	11/8/13
Email, AA to Commission Staff: PDF of 11/8/13 comment letter from APCC	11/8/13
Email, AA to Nancy Hossfeld: Request to post APCC letter to website	11/8/13
Email, AA to Subcommittee: Copy of comment letter from ECox	11/8/13
Email, AA to Mary Pat Flynn: Copy of comment letter from ECox	11/8/13
Email, AA to Commission Staff: Copy of comment letter from ECox	11/8/13
Email, AA to Subcommittee: Copy of draft Minutes from 10/29/13	11/15/13
Email, Gail Hanley, Commission Clerk, to Commission Members: Special full Commission meetings on 11/21/13 and 11/22/13 are cancelled	11/15/13
Email, Gail Hanley to Theresa Bunce: Subcommittee Meeting notice for 11/21/13	11/15/13
Letter, Gail Hanley to Mike Harless, Lowe's: Cost of noticing hearing	11/18/13
Email, AA to Subcommittee: Transmit copies of draft Meeting Minutes from November 1, 2013 and November 4, 2013 Subcommittee meetings	11/18/13
Email, Gail Hanley to Theresa Bunce: Revised Subcommittee Meeting notice for 11/21/13	11/18/13
Email, James Sherrard to AA: Transmit information from Brian McCarthy, RJ O'Connell, previously submitted on October 10, 2013	11/19/13
Email, Gail Hanley to Theresa Bunce: Subcommittee Meeting notice for 11/25/13	11/20/13
Approved Subcommittee Meeting Minutes	11/21/13
Email, AA to Subcommittee: Transmit PDF copy of draft decision	11/22/13
Email, AA to Commission staff: Transmit PDF copy of draft decision	11/22/13
Email, AA to Attorney Ford, Brian McCarthy and Daniel Fortier: Transmit PDF copy of draft decision	11/22/13
Draft Written DRI Decision as approved by the Subcommittee	11/25/13
Email, AA to Cindy McGrath: Copy of draft Decision has been posted to the Commission's special Lowe's website	11/25/13
Approved Subcommittee Meeting Minutes	11/25/13
Email, Jessica Wielgus to Attorney Ford: Letter concerning Attorney Ford's	11/26/13

request for a continuance	
Email, Gail Hanley to Various, with attachments: 12/5/13 Commission meeting cancelled. Lowe's now scheduled for 1/9/14 Special Commission meeting	11/26/13
<b>Materials from Applicant</b>	<b>Date Received</b>
Email, MK, to GC, AA: Received letter in response to 4/26/13 Memo	5/6/13
<b>New DRI Referral Received May 9, 2013</b>	
DRI Application and supplements (Several volumes, CD)	5/13/13
Email, Attorney Michael Ford (Ford) to Andrea Adams (AA): Seeking status of Cape Cod Commission staff's completeness review of DRI application	5/22/13
Email, Brian McCarthy, RJ O'Connell (BMC) to AA: Revised Exterior Lighting information and plan sheets	5/23/13
Large size revised Exterior Lighting information ( <i>Same as Email of 5/23/13</i> )	5/28/13
Email, Ford to AA: Will respond to letter on Application completeness	5/29/13
Email, Ford to AA: Understand Email about use of website to get information	5/29/13
Letter, BMC to AA: Response to 5/28/13 Letter on Application completeness – Additional transportation information	6/3/13
Email, BMC to AA w/2 attachments: Exterior lighting information <i>Attachments: Illustration of pole light and cut sheet for SF2 fixture</i>	6/4/13
Email, Ford to Jessica Wielgus (JW): Scheduling Hearing dates	6/6/13
Email, Randy Hart, VHB (RHart), to Glenn Cannon (GCannon): Scheduling meeting on Transportation issues	6/11/13
Email, Ford to AA: Have public hearing dates been confirmed?	6/12/13
Email, RHart to GCannon: Scheduling meeting on transportation issues	6/12/13
Email, RHart to GCannon, with attachments: Backup materials – Roadway links calculation spreadsheet and additional location Fair Share SYNCRO, HCM, SIDRA Analysis sheets	7/2/13
Hard Copies (7): BMC to AA: <i>DRI Project Narrative and Performance Standard Compliance Report</i> and CDs of electronic copy of DRI submission ( <i>For Subcommittee</i> )	7/5/13
Email, Ford to AA: Will see that DF has the Applicant's information	7/10/13
Email, with attachment, RHart to DF, AA: July 1, 2013 Response to Commission Staff	7/10/13
Email, with attachments, RH to DF, AA: Materials sent to Commission on July 2, 2013	7/11/13
Email, Ford to AA: Schedule a meeting to go over staff report?	7/17/13
Email, Ford to JWielgus: Will file a response to staff report and provide more information/clarifications. Will not be a letter with questions.	7/25/13
Email, BMC to AA: Members of Applicant's project team (who attended July 16, 2013 Hearing)	7/25/13
Email: Jamie Anderson, RJ O'Connell: Email of PDF and links to file download site: Additional Applicant submissions (2 Emails)	7/29/13
Letter: Dr. Barrow: Testimony at July 30, 2013 Hearing and Letter to Lowe's dated 5/2/13 or 5/3/13 to BMC at RJ O'Connell	7/30/13
PowerPoint Presentation (printout of slides) given by Attorney Ford/Lowe's at July 30, 2013 Hearing	7/30/13
Letter: Cumberland Farms, to Robert Chamberlain, discussing possible interconnection (dated 7/10/13), submitted to the record by Lowe's	7/30/13
Email: BMC to AA: Supplemental submissions (4): Comments on Ken Cram's 7/8/13 transportation report; additional comments on buffers, including a letter from the Dennis Police Department; 2 revised site plans	8/14/13
Email: MFord to Jessica Wielgus: Status of staff report	8/14/13

Copy of Power Point (Given at Continued Public Hearing)	8/22/13
Email, MFord to Jessica Wielgus: Follow up meetings with Commission staff	8/23/13
Email, MFord to Jessica Wielgus: Dates in prior Email for meetings don't work	8/23/13
Email, MFord, to Jessica Wielgus (JW): Seeking dates for meeting with staff	8/28/13
Email, MFord, to JW: List of topics to discuss with staff	8/28/13
Email, MFord, to JW: More detailed list of topics to discuss with staff	8/28/13
Email, RHart, to Commission Staff: Additional Transportation information	9/5/13
Email, MFord to JW: Coordinate meeting with staff: Include Town Planner and Officer DiMatteo of Dennis Police Department	9/6/13
Email, BMC to AA, with attachments: Response to Commission staff's Economic Development questions <i>Attachments: Cover Memo from Brian McCarthy; Lowe's Home Center: Economic &amp; Fiscal Impact Analysis: Response to Questions from Cape Cod Commission Subcommittee for Lowe's Center, by Dr. Clyde W. Barrow, dated September, 2013</i>	9/9/13
Email, BMC to AA, with imbedded link to file storage website: Letter and additional information, revised plans to address staff comments <i>Files: Cover letter; Overall Site Plan (SP-2), Revised 9/11/13; Parking and Traffic Control Plans (SP-8A and SP-8B, Revised 9/11/13; Landscape Plans, SP-9A and SP-9B, Revised 9/11/13; Letter from Dennis Water District, dated 8/29/13 on private wells; Bass River Watershed figure; Nitrogen Reduction calculations for 226 Old Bass River Road, dated 9/11/13; Site Plan Review Special Permit and Site Plan for Flea Market/Inflatables Park, dated 6/7/12</i>	9/11/13
PowerPoint presentation, 5 colored slides, used at 9/12/13 continued Hearing	9/12/13
CD of materials submitted by Email by BMC: Copies for Subcommittee and file	9/12/13
Email, David Koerner, Lowe's: Seeking clarification of Regional Policy Plan exterior lighting standards	9/16/13
Email, MFord to JW: Confirm meeting on 9/18/13	9/17/13
Email, BMC with attachments: Transmit PDFs of updated site plans <i>Attachments: Overall Site Plan (SP-2), Grading &amp; Drainage Plan (SP-6A), Grading and Drainage Plan (SP-6B), Parking &amp; Traffic Control Plan (SP-8A), Parking &amp; Traffic Control Plan (SP-8B), Parking &amp; Control Plan Alternate (SP-8B ALT), Landscape Plan (SP-9A), Landscape Plan (SP-9B), Landscape Plan Alternate (SP-9B ALT)</i>	9/18/13
From VHB, Draft New Transportation Plans: 3 Sheets	9/18/13
Email, BMC to PRuchinskas: Will respond to his questions on Developed Area	9/19/13
Email, Jamie Anderson, RJ O'Connell, to AA: Link to FTP site for additional Applicant submittals	9/20/13
Additional Lowe's submittals from FTP site: <i>Revised Overall Site Plan (SP-2), Revised Grading &amp; Drainage Plans (SP-6A and SP-6B), Revised Traffic Control &amp; Parking Plans (SP-8A and SP-8B), Revised Landscape Plans (SP-9A and SP-9B), Alternate Landscape Plan (SP-9B, ALT), Revised LED Site Lighting Plans (SP-10A, SP-10B, SP-10C, SP-10D), Revised Architecturals (Perspective View; Proposed Elevations - Sheets 5&amp;6; Proposed Floor Plan - Sheet 7; View Corridor A-Sheet LV1; View Corridor B-Sheet LV2; Proposed Liner Building - Sheet LB1); Memo from Attorney Ford on site clearing; Tech Environmental Memo; Revised Nitrogen Loading Calculations; Revised Stormwater Report; Revised Memo from Lucas Environmental; Greenhouse structure light fixture cut sheet; Flea Market and Inflatables Park Special Permit and Plan from 2012 and 2013; VHB Transportation report</i>	9/20/13 through FTP site
Email, Jamie Anderson, to AA: Copy of 9/20/13 cover letter from BMC	9/20/13
Hard copies, including large size copies, of materials sent by Email on 9/20/13	9/23/13

Eight (8) Disks containing 9/20/13 Applicant submissions for Subcommittee	9/24/13
Power Point Presentation (given at continued hearing)	9/25/13
Letter, Dr. Clyde Barrow: Comments on project; economic impacts	9/25/13
Email, MFord, to JW: Availability of Lowe's team for meetings	9/26/13
Email, MFord to JW: Seeking possible Subcommittee meeting dates	10/2/13
Email, MFord to AA, with attachment: Letter from Dennis Housing Authority	10/2/13
Email, BMC to AA, with attachments: Supplemental information <i>Attachments: Cover letter, dated 10/2/13; Revised Lowe's Roof Plan, Sheet 8, dated 10/1/13; Liner Building Floor Plan and Roof Plan, Sheet LB-2, dated 10/1/13; Memorandum from VHB on Transportation Safety issues, dated 10/2/13; Supplemental water use data from 9 Massachusetts Lowe's</i>	10/2/12
Cover letter and attachments, BMC to AA: Hard copies and large size plans and disk copies for Subcommittee ( <i>Also submitted by Email on 10/2/13</i> )	10/2/13
Email, RHart, VHB: Response to October 8, 2013 staff report on Transportation <i>Attachment: 10/11/13 Memorandum</i>	10/11/13
Email, Jamie Anderson, RJ O'Connell: Will there be a projector and laptop at the next Subcommittee meeting venue?	10/15/13
Email, Jamie Anderson, RJ O'Connell, with <i>Attachments: Cover letter, Revised foot-candle plans (2), Pylon sign design, Revised Landscape Maintenance Plan, Cut sheet for sign light (strip), Memo from Lucas Environmental</i>	10/16/13
Letter, RJ O'Connell: Hard copy of Jamie Anderson's Email of 10/16/13 including disks for the Subcommittee	10/17/13
Email, Jamie Anderson, RJ O'Connell, to AA: Revised exterior lighting design for the liner building <i>Attachments: Sketch showing location of fixtures; Cut sheets for fixtures A &amp; B; Cut sheets for fixture C; Revised foot-candle plan showing initial levels (10/19/13); Revised foot-candle plan showing maintained levels (10/19/13)</i>	10/22/13
Email, Jamie Anderson, RJ O'Connell to AA with attachments: Cover Letter, Revised Overall Site Plan (SP-2 ALT, dated 10/29/13); Revised Parking and Traffic Control Plan (SP-8A, dated 10/29/13); Revised Parking and Traffic Control Plan Alternate (SP-8B, ALT, dated 10/29/13); Revised Landscaping (SP-9A, dated 10/29/13), Revised Landscaping Alternate (SP-9B ALT, dated 10/29/13); Color Elevations, Liner Building (Sheet LB-1, revised 10/29/13); Black and White Elevations, Liner Building (Sheet LB-1, revised 10/29/13) and Liner Building Floor and Roof Plan (Sheet LB-2, 10/29/13)	10/29/13
Email, Ford, to Jessica Wielgus: Not available on 11/8/13 until 1:00 PM	10/30/13
Email, Jamie Anderson, RJ O'Connell to James Sherrard: Seeking copy of Water Resources PowerPoint presentation	11/1/13
Email, Ford, to AA: Seeking to confirm Subcommittee meeting on 11/14/13	11/6/13
Email, Jamie Anderson, RJ O'Connell to AA: Link to file sharing site to download revised information	11/6/13
Letter, Brian McCarthy, RJ O'Connell to AA with attachments: Cover Letter, Revised Overall Site Plan (SP-2 ALT, dated 11/5/13); Revised Parking and Traffic Control Plan (SP-8A, dated 11/5/13); Revised Parking and Traffic Control Plan Alternate (SP-8B, ALT, dated 11/5/13); Revised Landscaping (SP-9A, dated 11/5/13), Revised Landscaping Alternate (SP-9B ALT, dated 11/5/13); and Proposed Lowe's Floor Plan (Sheet #7, dated 11/1/13) ( <i>Same information from Jamie Anderson via the file sharing site</i> )	11/6/13
Email, Brian McCarthy, RJ O'Connell to James Sherrard, with attachments: Drawings that indicate use of stormwater for irrigation ( <i>Previously submitted on October 10, 2013</i> )	11/19/13
Email, Ford, to Jessica Wielgus: When would Lowe's project go before the full Commission?	11/19/13

Email, Ford, to Jessica Wielgus: Letter attached requesting continuance to December 19, 2013 full Commission meeting	11/25/13
Email, Ford, to Jessica Wielgus: Request continuance to January 9, 2013 at 1:00 PM	11/26/13
<b>Materials from Public Agencies</b>	<b>Date Received</b>
Email, Daniel Fortier (DF), Dennis Town Planner, to Randy Hart (RH), VHB, MK VHB, RB, AA, GC, ST: Receipt of Commission staff's response to Applicant's traffic study	8/3/12
Email, DF to AA: Can't make meeting on 8/10/12 on transportation issues	8/9/12
Email, DF to AA, MFord, Paul Niedzwiecki: Landscaping issues	10/18/12
Email, DF to BMC, TH, AA: Scheduling meetings	11/8/12
Email, DF to AA, BMC, TH, PD: Fencing around the garden center/security	11/16/12
Email, DF to AA, BMC, MFord, with attachment: Memo from meeting with Brian McCarthy and Dennis Police Department	11/20/12
Email, DF to AA: Set up meeting on Lowe's project	1/16/13
Email, DF to AA, JW: Referral of project	2/6/13
Email, DF to AA, BMC w/attachment: Referral of project by Heath Director	2/6/13
Email, DF to Hart, Ford, BMC, AA, Joe Rodricks: Discussion of traffic impacts	2/13/13
Email, DF to Hart, Ford, BMC, Joe Rodricks, MK, DK: Defer to Commission staff on appropriate approach to transportation analysis	2/13/13
Email, DF to AA, Ford, <a href="mailto:Bmezzadri@nteon.com">Bmezzadri@nteon.com</a> : Discuss on March 18, 2013 meeting of Planning Board to discuss Lowe's	2/13/13
Email, DF to AA, Ford, BMC, Others: March 18, 2013 informal meeting of Planning Board on Lowe's has been postponed	3/4/13
Email, DF to AA, GC: Town's comments on proposed project (Transportation)	3/28/13
Email, Karen Rood, DY Regional Schools: Scheduling room/insurance	4/9/13
Email, Karen Rood, DY Regional Schools: Received insurance certificate	4/10/13
Email, Burt Derrick, Vice-Chair, Dennis Historical Commission to Sarah Korjeff: Reference number for project and where to send comments	4/10/13
Email, DF to AA: Town's comments on project concerning LCP, DCPCs, Local Bylaws	4/24/13
Letter: Dennis Historical Commission: Comments on project	4/25/13
Email, DF to AA, Ford: Lowe's Withdrawal recorded by Town Clerk: Attachment is copy of 4/29/13 letter stamped by Dennis Town Clerk	4/30/13
<b>New DRI Referral Received May 9, 2013</b>	
Email, DF to AA, with attachments: DRI referral	5/9/13
Email, Karen Rood, DY Regional School District: Scheduling use of Wixon School for possible hearing dates	6/11/13
Email, Karen Rood, DY Regional School District: Need insurance coverage of one million dollars	6/11/13
Email, DF to AA: Use copy of comments already submitted (on LCP, Bylaws, DCPC criteria) and is Transportation submission from Lowes new?	6/24/13
Letter, from DF to Cape Cod Commission: Comments on consistency with LCP, local Bylaws, DCPC ( <i>Originally submitted April 24, 2013</i> )	6/24/13 (resubmitted)
Email, DF to AA: Was there something more submitted by the Applicant after the Cape Cod Commission letter stating Application was not complete?	6/24/13
Email, Hank Bowen, Chair, Dennis Road Safety Task Force: Request for staff report and to make a presentation at the public hearing	7/3/13
Email, Hank Bowen, to AA: Scheduling problem with 7/16/13; Hope to present on 7/30/13	7/9/13

Email, DF to AA: Don't have information submitted to Commission by Applicant after 6/27/13	7/9/13
Email, DF to AA: Suggest police detail at 7/16/13 Hearing	7/11/13
Letter, South Dennis Historic District Commission, to Paul Niedzwiecki, Cape Cod Commission Executive Director: In opposition to project	7/11/13
Email: Paul Fiset, Water Quality Advisory Member: Comments on APCC's comments on the proposed project	7/14/13
Email: Lt. DiMatteo: Would Commission like to engage Police Detail for 7/30/13 public hearing?	7/17/13
Email, Hank Bowen, Chair, Dennis Road Safety Task Force: Request to make a presentation at the 7/30/13 public hearing	7/23/13
Testimony of Hank Bowen, Chair, Dennis Road Safety Task Force, given at 7/30/13 Hearing	7/30/13
Email, DF to GCannon: Discussion of intersection at 134 and Theo. Smith Road and maximum width relative to turning lane	7/31/13
Letter: Dennis Police Department: Comments on Buffers ( <i>Part of Applicant supplemental submission received 8/14/13</i> )	8/14/13
Memo, from DF to Cape Cod Commission: Comments on consistency with LCP, local Bylaws, DCPC ( <i>Originally submitted April 24, 2013</i> )	Distributed to Subcommittee with 8/15/13 Staff Report
Email, Dan Fortier, to AA: Comments on bicycle access to Rail Trail	8/20/13
Email, Dan Fortier to AA: Comments on Rail Trail redesign and copy attached of 25% design plan for Rail Trail crossing at Route 134	8/23/13
Email, Dan Fortier to AA: Comments on testimony about traffic concerns with the redesigned Cumberland Farms site	8/23/13
Email, Dan Fortier to AA: Comments on project after 9/6/13 meeting with Commission staff and Applicant	9/6/13
Email, Joe Rodricks, Town of Dennis, to GC: Discussion of Airline Road	9/20/13
Testimony of Dan Fortier at continued hearing	9/25/13
Email, Dan Fortier: Comments on staff report concerning "desire lines" of pedestrian travel from Cape Cod Rail Trail	9/26/13
Letter, Truro Selectmen: In opposition to project	9/30/13
Email, Dan Fortier to AA: Underlying zoning has not changed	10/1/13
Email, Joe Rodricks, Town of Dennis, to GC: Discussion of modifications to Airline Road <i>Attachments: Figure 4, VHB, Route 134 at Airline Road, Updated Proposed Conceptual Improvement Plan dated 9/23/13; Town of Dennis General Plan, Reconstruction of Airline Road and Route 134, by Fay, Spofford and Thorndike, Sheet 3 of 5, dated 7/7/05</i>	10/2/13
Email, Joe Rodricks, Town of Dennis, to GC: Discussion of modifications to Airline Road and VHB sketch of 9/23/13 <i>Attachment: Figure 4, VHB, Route 134 at Airline Road, Updated Proposed Conceptual Improvement Plan dated 9/23/13</i>	10/3/13

## A List of Public Comments Received By Date

<b>Materials from General Public</b>	<b>Date Received</b>
Letter, Raymond Durcharme: Notify of public hearings	10/25/12
Postcard, Annual Meeting of Old South Dennis Village Association: Discuss proposed Lowe's (meeting date 11/4/12)	10/29/12
Letter, Sid Snow, Snow's: Notify of public hearings	11/3/12
Postcard, Robert Rich: Notify of public hearings	11/6/12
Postcard, Spyro Mitrokostas: Notify of public hearings	11/6/12
Postcard, Robert & Maryann Berla: Notify of public hearings	11/6/12
Letter, Lauren Baskin and Lynn Colangione, True Value Hardware of Orleans: Notify of public hearings	11/7/12
Postcard, Joan Nickerson: Notify of public hearings	11/8/12
Postcard, Lin DiManno: Notify of public hearings	11/8/12
Postcard, Bmai Breen: Notify of public hearings	11/8/12
Postcard, Ken Foster: Notify of public hearings	11/8/12
Postcard, Andrea Breen: Notify of public hearings	11/8/12
Postcard, Peggy & Ken McAloon: Notify of public hearings	11/8/12
Postcard, Nicole Muller: Notify of public hearings	11/8/12
Postcard, John Hoag: Notify of public hearings	11/8/12
Postcard, Rev. Mr. William GaMerizzo: Notify of public hearings	11/8/12
Postcard, Michael Sarli: Notify of public hearings	11/8/12
Postcard, Maureen & Joe O'Clair: Notify of public hearings	11/8/12
Postcard, Robert Harrison: Notify of public hearings	11/8/12
Postcard, Sally Huffman: Notify of public hearings	11/8/12
Postcard, Shelby Gasek: Notify of public hearings	11/8/12
Postcard, Connie Mooers: Notify of public hearings	11/8/12
Postcard, Robert Shaw: Notify of public hearings	11/8/12
Postcard, Ingmar & Ellen Soderholm: Notify of public hearings	11/8/12
Postcard, Bob Brennah: Notify of public hearings	11/8/12
Postcard, Richard White Jr. : Notify of public hearings	11/14/12
Email, Michael Sarli, to AA, Gary Barber, Alan Tuttle, Heidi Schadt, Paul McCormick, Sheryl McMahon, Wayne Bergeron, with attachment: Comment letter on proposed Lowe's	11/25/12
Letter, Michael Sarli: Hard copy of 11/25/12 Emailed letter on Lowe's	11/27/12
Email, Pat Hannon: Notify of public hearings	1/11/13
Letter, Walter & Barbara Korntheuer: Opposed to Lowe's	1/15/13
Letter, Attorney David S. Reid: Consulted by Old South Dennis Village Association – Notify him of public hearings	2/7/13
Email, Cindy McGrath, Nutter (CMG): Seeking copies of Lowe's filing	2/5/13
Email, CMG: Do not need to see file at the moment	2/7/13
Email, CMG: Status of Lowe's filing?	2/11/13
Email, CMG: Status of Lowe's filing?	2/12/13
Post Card: David Mongeau: Notify of public hearings	2/14/13
Letter, Joseph C. Travelo: Comments on project	2/15/13

Email, Carol W. Bell: Comments on project	2/17/13
Email, Bonnie Hempel: Comments on project	2/28/13
Email, George W. Cunningham: In opposition to project	2/18/13
Email, Martha Lang, to Sharon Rooney: Where to send comments?	2/19/13
Email, Martha Lang: In opposition to project	2/19/13
Email, Patricia Short: In opposition to project	2/20/13
Letter, Marie S. Alves: In favor of project	2/25/13
Email, CMG: Status of filing? Staff report?	2/25/13
Email: Ken Cram, Bayside Engineering: Contact information to Glenn Cannon	3/26/13
Email, James Baskin: In opposition to project	2/28/13
Email: John Mitchell, Tyerik Carlson Green, Colin Jacobs, Josh Majka, Joshua Kelley, David McKenna, David DeCezno, Arthur Alcock, Scott Pulsifer, Sarah Rivers, John Jaworski, Steve Hubbard, Lynn Colangione, Erin Stimmell-Clark< Stephen Harding, Jacob St. Peter, Richard Cotter, Adrienne Davis, Linda Matthews, Clifton Davis, Renee Lemay, Madalyn Hills-Dineen, Kathryn Harvey, Jim Morton, John Baskin, Lori Smith, Arlan Wise, Laurel Hartman, Mark Stallsmith, Penny Viator, Thomas Wright, Chris Dudzik, David Milkey, Paula Aschettino: In opposition to project	2/28/13
Email: Kathleen Johnson, Linda Stevens, Robert Dugan, Robert Powell, Geoff Gagnon, Paul Lemay, Amanda Nowak, Maryanne Baskin, Jessica McLaughlin, Amy Johnsgard, Amber Higgins, Joe Higgins, Patricia White, Stephen Roth, Laura Senno, Tyler Senno, John Murphy, Ann Whelan, Tara Griffith, Steve Drozell, Erica Jenkins, Cathy Romboli, Kelly Clark, Jennifer McBride, Chris Valle, Lynn Mason-Small, Katie Thibodeau, Beth Dunn, Marybeth Diehl, Daniel Caliri, Marsha Dunn, Guy Boucher, Julianne Albano, Carol Donohue, Dan Donohue, Liam O'Connor, Cari Oberting, Maria Stotz, Mary Beth Hodgkiss, Dianne Towner, Wanda Allen, Kate O'Brien, Joanna Stevens, Rich Weeks, Daniel Bastian, Tyler Surdut, Chris Abdow, Liana Surdut, Cortney Feingold, John Ohman, Cory Smith, Peter Panagiotopoulos, Rita Lu, Avery Revere, Susan Datnoff, Jan Gilpin, Henryk Tyszka, Mike Andrews, Barry Steele, Peter Balboni, Dan Laughlin, Ilsa Clark, Terri Coniam-Reed, Jennifer Guajardo, Lanny Carroll, Melissa Sanderson, Gayle Harper, Dari Whitehouse, Sarah Ciampa, William Wordell, Robin Ward, Josh Laurie, Lenny Dufresne, Susan Sennott, Amanda Converse, Ann Bastian, Paul Heard, Alex Heiala, Patricia Jaworski, Robin McKean, Elizabeth Knott, Dan Gilrein, Scott Mcoherson, Felicia Penn, Jeffrey Tri, Lin DiManno, Richard Bagge, Peter Greaves, Stephanie Morey, Paula Hersey, Kyle Crowley, Philip Fingado, Jared Kidson, Deb Gleeson, Max Delaney, Gemma Jones, Elinor Dankner, Jane MacAfee, Louis Morgan, Geoffrey Gardner, Diane Morgan, Jeffrey Rogers, Martha Findlay, Jo Gray: In opposition to project	3/1/13
Email: Dewey Baker and Karen Baker: In support of project	3/1/13
Email: Ray Duchesneau, Philip Francis, Dakota Butterfield, Carol Welch, Barbara Healey, Meli Lussier, Julie Hamilton, Hillary Sin, Richard Morse, Christopher Albano, Louise Fischer, Anne Moore, Laura Ellington, Mark Albano, Mary Fish, Paul Cloonan, Andi Hibbert, Alfred Gasco, Dennis Moore, Kierstin Apalakid, Alan Roach, Bill Hoffman, Cindy Sullivan, Zach Terry, Michael Sarli, Jean MacKenzie, Katherine Whitelaw, Robert Meaney, Ken Foster, Richard Wilber, Dan Staples, Joyce Hutchings: In opposition to project	3/2/13
Email,: Joseph Kelly, Cheryl Kelly, Jessica Riley Norton, Nancy Bertsch, Katie McCarthy, Ana Gomes, Jim Norton, Michael Dobson, Diane McLaughlin, Karen Erickson, Brian Williams, Laurel Feinberg, Chris Trzcinski, Heather Perkins, Karen Finnegan, Samantha Ellis, Dana Apalakis, Shawn Delude, Kristen Hessel,	3/3/13

Julie Pierangeli, Rachel Daly, Susan Lawrence, Shauna Bakstran, Shana Hall, Alyssa Silva Lee, Jamie Rivkind, Tom Maloney, Patricia Friend, Jennifer Salafia, Jennifer Hardigan, Christina Hartman, Elizabeth Mayo, Ann Phelan: In opposition to project	
Email: Mary A. Morgan, Lauren Baskin, Daniel Rosenbach, Danielle McPhee, Oliver Lu, John Foley, Kathleen Lassila, Kristie Schimpf, Farrell Boghos, Tom Kelly, Nancy Hansen, Darlene Yule, George Hinckley, Noelle Pina, Scott Dietz, Stephen Luciani, David Luciani, Carolyn Sorz, Jon Hubbard, Carol Barton, Lisa Arthur, Kym Wheaton, Suzette Jakielo, Thomas Leab, Beth Herrick, Janet McGill, Roland Lemay, Marjorie White, Donald Watkins, Kerry Lungo, Jennifer and Lance Vachon, Jessica Tamlin, Edward Morgan: In opposition to project	3/4/13
Email: Ashley Dolata, Lance Vachon, William Krum, Jon Proctor, Emily Bersin, Marysia Gasek, Victor Babel, Lee Josselyn, Michael Binnall, Gina Hlobik, Roger A. Hanson, William Rubel, Clare Donovan, John McGill, Mark Meservey, Amy Germain, Aaron Steele, Joan Damore, Jo-Anne Saulsbery, Joanne Ambrosini, Matthew Leonard, Sally Sharpless, Harold Theberge Jr., Leah Kosnack, Doug Walker, Mark Stasko, Meg Walker, Ralph Rincones, Deb Langlois, Sandy Drozell, Sarah Taylor, William Abernathy, Mike Caffrey, Mark Dolata, Chris Zimmer, Audrey Stage, Marsha Stowell, Patricia Stowell, Michael Caffrey, Cheryl Dolata, Gregory Henry, Rebekah Drozell, Robert Hastings, Barry Hutchinson, Richard Chase, Judi Pepper, Lisa Mincieli, Lynda Galkowski, Ellen Smith, Larry Luczynski, Betty Smith, Nadine Terrio, Kim Charette, Donna Benoit, F. Earle Caswell, Richard G. Ryder, Keith Chase, J. Andrew Shakliks, John Vincent, Kenneth Lemerise, Edwrad Haskell, Norman McCutcheon, Kevin Lonkart, Linda Hutchinson, Patti Mullen, Will DeMaida, Michael Fetterman, Karen Prendeville, Marie Creonte-Hanson, Amanda Cooley, James Atwater, Leslie Fowlow, Eleanor Grogan, Alison Whitner, Michelle Hague, Brian Eastman, Paul Bayer, Mike Leger, Michael Banis, Shelby Gasek, Justin Nobre, Ronda Fairbanks, Carl Laman, Judi Smith: In opposition to project	3/5/13
Email: Karen Boyson: In support of project	3/5/13
Email: Laura Wolfe, Aoife Callian, Antoinette Simon, Marianne Corcoran, Ciara Fritsch, Ellen Anderson, Sarah Wax, Laura Kelley, Holly Backus, John Callinan, Joan Stockman, Greg Hinson, Mike Cancellieri, Erinn McCarty, Jeff Sampson, Barbara Ciol, Robin Shaw, John Hall, Peter Hodge, Christa Dulude, Gary Boatman, Catty Dudzik, Elizabeth Williams, Catharine Bonta, Thomas Fazio, Paula Deluga, Turner Fawkes, Lynne Pandiani Norton, Carol Nace, Dave Solomon, Linda Miner, Ashley Bengston, Robert Bianco, Bruce Taylor, Steve Drozell, Richard Grout, Joseph Arone, Andrew Crosby, Michael Shamberg, Jane Cancellieri, Paul Gasek, Eric Oman: In opposition to project	3/6/13
Letter, Rosemary and Thomas Wall: In opposition to project	3/6/13
Letter, Michael D. MacDonald: In support of project	3/6/13
Email: Frank Bicchieri, Sally Graham, Nichole Theoharidis, Sasandra Roche, Sarah Nulty, Sigita Clark, Carrie Huber, Tonya Boyce, Shelagh Casey, Daniel Sears, Gary D'Agostino, Jennie McLaughlin, Judith Williams, Bucky Hall, Christina Graham, Lori Martin, Tom Fitzgerald, Shane O'Doherty, Jean Marino, Tina Chartrand, Ava Pothier, Stephanie Wittmann, Christine Wilkinson, Sally Starr, Brad Butler, Wesley Price, Candida Franklin, Haley Carlson, Mae Timmons, Cathleen Matton, Barbara Melber, Sharon Prudhomme, Louise Kane, Steve Spencer, Courtney Williams, Tim Vaughan, Karie Miller, Jeanne Baskin, Virginia Koss, Lawrence Koss, Paula Bouzan, Kyle Farrell, Caroline Guilbert, Ruth Tobin, Jessica Banis, Vanessa Card, Kathryn McCabe, Helen Zavesky, Bob Brodeur, Sid Snow, Mary Anne DelConte, Marge Gramm, Laurie Clemmer, Joe Gramm, Lynn Gibson, Marcus Farias, Michael Kidwell, Anna	3/7/13

Besciak, Kerri Bailey, Pepper Escher, Oscar Escher, Mark Escher, Kathleen Ryan, Michael Escher, Meika Wahlstrom, Charles Ross, C. Blaithin Underhill, Jerome Farais, Home Depot, Sue Pierce, Brandy Salvador, Marc Launoy, Kathy Pollard, Cara Donovan, Ruth Handlen, Bruce Miller, Clare Stevens, Anthony Stevens, Peter Raider, Joan Peterson, Judy Brock, Laura Barzilai, Caroline Smith, Frank Glancy, Ryan Davis, Thomas Gruenwald, David Zavesky, Shirley Barron, Mary Ellen C. Welch, Cynthia Brackett, Richard Capobianco, Thos Myers, Sigurd Winslow, Nancy Seaman, Aleta Rossi, Kevin Laurie, Barbara Ryshavy, Karin Cadwell, Daniel Conway, Patricia Corcoran, Mary Ward, Brad F. Slater, Christopher Kahn, John Harper, Carol A. Chace, George Chace, Christine Drowne, Georgianna Adams, Ellen Cavanaugh, Lisa Brown, Richard Morill, Scott Cameron, Harry Eisener, Russell Smith, Kelly Twomey, Jeff Bryant, Lee Gavin, Janet Reinhart, Sukoshi Rice, Rosemary Moran, Clint Dale, Amy MacPherson, Brian Breen, Andrea Breen, Susan Holbrook, Lisa Steele, Keith Kauterman, Linda Kauterman, John Williams, Steven White, Gerry Dipirro, Marcia Hempel, Don Devaney, Dave Hourigan, Joseph Mancini: In opposition to project	
Email: Sandra Griffiths: In support of project	3/7/13
Email: Theodore Cooper, Ted Coop, Stanely Grove, Patricia Giroux, Kathleen Murtaugh, Michael Holguin, Jean Ann Shakliks, Janet Kalil, Tracey Harvey, Audrey Dolata, Harle Carlsen, Karen Medve, David Carleton, David Light, Kim Cuppels, Edward Nodell, Bruce Clark, Cheryl Hastings, Robert Crosby, Renee Berry, Michelle Bishop, Lisa Flynn, Suzanne Leahy, Naki Histed, Terence Smith, Edward O'Neill, Lenny Dufresne, Robert Pflock, Janet Kaiser, Alan Brechka, Meg Groden, Senan Callinan, Mary Shakliks, Meghan Patrick, Patricia Curnan, Paula Sarli, Cotton Johnson: In opposition to project	3/8/13
Email, Alice J. Juliano: In support of project (forwarded by Dennis Town Planner)	3/8/13
Letter: Michael S. Sarli, PE: Concerns about project (By Email)	3/8/13
Email, Attorney Michael Scott, Nutter, McClennen & Fish: Notify of public hearings	3/8/13
Email: E. Scott Whalley, Edwin Jaworski, Hanna Brechka, Gretchen C. Hemeon, John Keenan, Jessica Wile, Joe Hartung, Catherine Helms, Elizabeth Skayne, Amy Tagliaferri, Debbie Jones, Paul McKenney, Liz Mccarte, Joshua Pierce, Vicky Sandini, Kali Schluter, Marian Rewcastle, Ron Daniels (2), Caroline Geishecker, Barbara Hansen, Connie Sandini, Amy MacPherson, Francie Randolph, Antoine Seailles, Philip Johnson, Stacey Hedman, Mary Ann McKenney, Eve Kager, Sylvia Stringer, Adrienne Smith, Victoria Milne, Heather Day, Katrina Boucher, Chad Thomas: In opposition to project	3/9/13
Email: Elle LaPointe: In support of project	3/9/13
Email: Diane Silverstein, Maryelle Garnett, Matt Quitmeyer, Heather Day, Diane Elizabeth Hall, Paul Londergan, Barbara Morton, Linda Yurof, Bonnie Hartung, Kathie Carpenter, Robyn Peabody, Bridget Malachowski, Luis and Carreira Ita, Thomas Gregg, Pam Therrien, Marilyn Bowen: In opposition to project	3/10/13
Email: Melissa Ortiz, Marci Tyldesley, Desiree Cole, Jane Lavendier, Cheryl Hartt, Brenda Callinan, Amy Smith, Jennifer Londergan, Linda Healy, Robert Tilton, Greg Fredo, Rusty Young, Nathalie Ferrier, Janice Redman, Chelsea Clarke, Gilian Drake, Jeannie Baca, Cammie Watson, Mary Bell, Michelle Dugan, Maria Kalantzis, Pat Pajaron, David DeWitt, Sydney Fleischmann, Stephen Caliri, Anne Garton, Gail Quinn, Katerine Garcia, Helen Grimm, Garland Alcock, Sheila Culver, Ben Gavin, Tracy DeShiro, Clyde Watson, Ellen Whalen, Anna Henning, Laurel Johnson, Donna Kutil, Robert Baron (3), Anna Keyes, Bettina Rosarius, Bob Knox, Sarah Donnelly, Julie Brooks, Kevin Doyle,	3/11/13

Florence Dee Boodakian, Shirley Blanchard, Steven Baty, Jill Oetheimer, Sarah Lutz: In opposition to project	
Letter: DL Martin, Zygote Digital Films: In opposition to project	3/12/13
Email: Albril Retana, Winifred Henderson, John McGill, Christine TGynan, Cynthia Harper, Sarah Moyle, Ron Jenanyan, Alicia Gordon, Richard Fishman, James Turner, Robert Baron, Maura McKenney, Jurate Koncius, David Matton, Askold Wynnykiw, Leonora Hall Williams, Michael Trovato: In opposition to project	3/12/13
Email: Mariana Fernandes, Shawn FitzMaurice, John Hutchinson, George Pierce, Janis Brennan, Debra Trovato, John Hausner, Miriam Henning, Robert Leary, Cynthia Hutchinson, John Melville: In opposition to project	3/13/13
Letter, 3 copies, Jessica Wile, Agway of Cape Cod: In opposition to project	3/14/13
Email: Jane Feinstein, Cathleen Lovett, Richard Burse, Anthony Raggio, Kyle Pena, Kevin Skrickis, Jennifer Ferguson, My-Le Raggio, Matthew Cole, Karen Milkey, Kathleen Vikjord, Catherine Bean, Joann Wojciechowicz, Chris Garner, Daniel Lagueux: In opposition to project	3/14/13
Email: Augustine Rosone, Beverly LeBlanc, Raymond Ducharme, John Townshend, Judy Lorange: In opposition to project	3/15/13
Letter: Joan Y. Nickerson: In opposition to project	3/15/13
Email, CMG: Which Towns don't have a Commission representative and has a Subcommittee been selected for the Lowe's project?	3/15/13
Email: Samantha Clark, Kristen Cronan, Bonnie Hempel, William Clark, Janet Compagna, Bob Campion, Kristen Dean: In opposition to project	3/16/13
Email: Katherine Rouse, Michael Mahoney: In opposition to project	3/17/13
Email: Greg King, Jim Fitzgerald, Leonard Deibler, Christine Tynan, Cara Winslow, John Powers, Sarah Swain, Carolyn Bryant: In opposition to project	3/18/13
Email: Attorney David S. Reid: Did the Commission receive his letter? What is the purpose of the April 5, 2013 hearing?	3/18/13
Letter: Alan J. Brechka: In opposition to project	3/18/13
Email: Bonnie LeBlanc, John Rice, Dan Doyle, Teresa MacDonald, Janelle Polzer, Brihgid Rogers, Caitlin Rogers, Thomas O'Hearn, Patricia Skayne, Pamela Kukla, Patrick Skayne, Robert Rhodes, Marsha Martin, Donald Peterson, Peter Moulton, Nate Church, Letthem Buildit, Brad Ingraham, Ray Crowe, Margaret Sweeney, Bernard Hutchens, Joyce Kramer, David White, Tom Camire, Jack Shea, John Loftus, William Ladd, Richard Whiteside, Bob and Marilyn Werner, Deborah Mistark: In opposition to project	3/19/13
Email: Chris Easley: In support of project	3/19/13
Email: Ken Cram, Bayside Engineering: Seeking copies of info from file	3/19/13
Email: Patricia Plucinski, Paul Plucinski, Mike Leblanc, Anthony Jarek-Glidden, David Puopolo, Carole Bell: In opposition to project	3/20/13
Email: Michael Pierce, Wendy Katz, Lydia Hamnquist, Sara Woolard: In opposition to project	3/21/13
Email: Lesley Peters, Zuzana Ciganikova, Robert Berla: In opposition to project	3/22/13
Email: Ken Cram, Bayside Engineering: Seeking info from file	3/22/13
Email: Brian Lapointe (2 Emails), Irina Lapointe, Eric McNulty, William Gallerizzo, Rebecca Gallerizzo, Robert Farias: In opposition to project	3/23/13
Email: Bradley Whitehouse, Nancy Polydys: In opposition to project	3/24/13
Email: Burton Derick: In opposition to project	3/25/13
Email: Annie Ditacchio: In opposition to project	3/26/13
Email: Maryann Berla Berla, Donna Hahana, Nan DeVille, Cassie Brizzi, Kaolin Davis: In opposition to project	3/27/13

Email: Walter Korntheuer, William Korntheuer : In opposition to project	3/28/13
No correspondence received on this date	3/29/13
Email: Joseph Rak, Joan Kozar, Linda Conti, Susan Nicoll, Robin McGrory, Marilyn McDonough, Douglas Goulding, Theodore Harmon, Richard & Marcia Conti: In opposition to project	3/30/13
Email: Suzanne McDowell, Matthew Sarli, Holly Fortune, Sophie Cesnikas, Meghan Sarli: In opposition to project	3/31/13
Email: Michael Kohler, David Zellers, Scott Levin, Erin Levin, Kathleen Buckley, Jim Reardon, Nancy Brewer, Bill McCormick: In opposition to project	4/1/13
Email: Barry Lavoie, Salvatore Rabbio, David Crocker, Carolyn Kohler, John Kohler: In opposition to project	4/2/13
No correspondence received on this date	4/3/13
Email: Jeff Deck, Elizabeth Sanders, Madeline Kohler, Margaret Stenberg-Zecker: In opposition to project	4/4/13
Email: Lyn Foster: In opposition to project	4/5/13
Email: Janet Lincoln, Paige Kehoe, Alice Wall, Faith Kehoe: In opposition to project	4/6/13
Email: Jill Talladay, Shauna Callinan, Lynn Pessa, Dainelle DiManno Ingraham, Steve Spewock, Constantine Galanos: In opposition to project	4/7/13
Email: Spyro Mitrokostas, Dennis Chamber of Commerce: Update on hearing schedule	4/8/13
Email: Nadine Buck, Constance Bryan Connors, Tessa Gifford, Joshua Work, Suzanne Bryan, Linda Dunne, Matthew Connors: In opposition to project	4/8/13
Email: Spyro Mitrokostas: 5/9/13 is date of Chamber Annual Meeting and Banquet	4/9/13
Email: Michelle Pelletier, Jack Gomes: In opposition to project	4/9/13
Email: Doreen Olivieri, Dagmar Fichtel, Marc Goldberg: In opposition to project	4/10/13
Email and Letter: Attorney Michael E. Scott, Nutter, McClennen & Fish: Comments on project Attachments/Included: Economic and Fiscal Analysis by FXM Associates, prepared 4/5/13	4/10/13
Email: Steven Kennie, Wendy Ohlson, Michael Moloney, Denise Curry, Susan Demarest, John Demarest, Barbara Britton: In opposition to project	4/11/13
Email: Spyro Mitrokostas to JJ: Conflict with scheduling of hearing on 5/9/13	4/11/13
Email: Katherine Salle, Matt Touhey, Elisha Winslow, Eli Winslow, Cory Rothlisberger, Ronald Foster, Diane Delaney, Will Bradley, Linda Ann, Meryl Vujs, Jacqueline Faye: In opposition to project	4/12/13
Email: Patricia Ellis, Patricia Siegel-Finley, Kay Finley, Olivia Becker, Ethan Alexander, John Cronin, Katherine Langer, Kay Doherty, Shelley Westfall, Christine Kelly: In opposition to project	4/13/13
Email: Timothy Conway, Bonnie Borthwick, Amy Sullivan, Arlene Marcetti, Sally Campbell, Richard Gregoire, Kristan Campbell, Richard Campbell, Julie Thompson, Darcy Langfield: In opposition to project	4/14/13
Email: Rick Garceau, Sarah Magruder, Garrison Borthwick: In opposition to project	4/15/13
Email: Fay Hudson, Subhash Agrawal: In opposition to project	4/16/13
Email: Ian Sullivan: In opposition to project	4/17/13
Email: Ken Cram, Bayside Engineering, to AA, JW, GC: Seeking info from file	4/17/13
Email: Nicole Valley, Matthew Lewicki, Nameer Youssef: In opposition to project	4/18/13
Email: Vincent Marino, Glenn Correia, Catherine Bowdren, Jason Metcalf: In	4/19/13

opposition to project	
No Correspondence Received	4/20/13
Email: Tanya Roza, Brian Sullivan, Bryan Thomas, Vivian Wills, Robert Marty, Robert Pineo: In opposition to project	4/21/13
Email: Tim Deane, Matthew Hedges, Meryl Gartside, Jo Gray, John Debella: In opposition to project	4/22/13
Email: Ken Cram, Bayside Engineering, to AA: Seeking info from file	4/22/13
Email: Neil Harris, Michael Baksa, Teresa Baksa: In opposition to project	4/23/13
Email: Jonathan Joly, Steve Swain, Laura Cassin, Cara Joly, Alison Bickford, Dan Brister, Peter Duchesney, Deborah McDevitt Hays, Deborah Charpentier: In opposition to project	4/24/13
Email: Renie Hamman to AA: Seeking update on project and staff report	4/25/13
Email: Brad Slater, Carol Chace, Patricia Mulhearn, Jim Morton: In opposition to project	4/25/13
Email: Jacqueline Lauterbach, Paul Wolf, Richard Brimmer, Katharine Carduff, Mike Gonsalves: In opposition to project	4/26/13
No correspondence received	4/27/13
Email: Patricia Rottmeier, Adam Davis, Jan Wasley, Marlene Clapp, Dan Driscoll, James Gunning, Cedric Daniel, Peter Noonan, Kathleen Quinn-Kortis, Rob Beaty: In opposition to project	4/28/13
Letter: Robert and Maryanna Berla': Concerns about project	4/29/13
Email: Calle Gartside, Rob Gartside, James Meehan, Megan Cote, Dana Jungherr, Jim Ammirato, Dannielle Kennedy, Leila Hayes, Karen Seif, Jaclyn Friedman: In opposition to project	4/29/13
Email, Cindy McGrath, Nutter to AA: Request for letters of withdrawal from Applicant's Attorney Michael Ford	4/30/13
Email: Steven Ascher, Maureen McCabe, Robin Colodzin, Jesse Carns, Deborah Kernochan, James Cote, Will Sgarlat, Judith Scanlon, Angel Cacciola: In opposition to project	4/30/13
Email: Patricia Gadsby, Roslyn and Bill Coleman, Sally Brotman, William and Karen Benjamin, Sima S. Weitzman, Renee Farster, Jason Miller, Nancy Gaudet, Kim Ingram, Jan Kinahan: In opposition to project	5/1/13
Email: Dianne Young, T. Edmund Daly, Sima S. Weitzman, William and Karen Benjamin, Richard Diforio, Sally Brotman, Annie Venditti: In opposition to project	5/2/13
Letter: Shirley A. Barron: In opposition to project	5/2/13
Email: John L. Grant, David McGlone, Marieanne Romanick, True Nichols, Nicole Bennett, Jim Morelli, Jeffrey Plank, Dolores Soffer: In opposition to project	5/3/13
Email: Carole Haigney, Deborah Felder, Maureen Kelly: In opposition to project	5/4/13
Email, Catherine Snow: In opposition to project	5/5/13
Email: Donna Fata, Kevin Grace, Robert Fata: In opposition to project	5/6/13
Email: Spyro Mitrokostas, to AA: Determination of Executive Committee	5/6/13
Email: Brianna O'Boyle: In opposition to project	5/7/13
Email: Laura Foster, Deb Costa, Phillippe Tinmouth, Stefanie Fredette, Roy Ellender, Kathleen Martin-Estus, Charles Estus Sr.: In opposition to project	5/8/13
Email, Attorney Cox to AA: Received copy of Press Release	5/8/13
<b>New DRI Referral Received From Dennis On May 9, 2013</b>	
Email, Spyro Mitrokostas, to AA: Dennis Chamber Golf Tournament on 6/13/13	5/9/13

Email, Cindy McGrath, to AA: Has Lowes re-filed DRI application?	5/9/13
Email: Kathleen Watters, Jean Orme: In opposition to project	5/9/13
Email: Nicholas Noun: In opposition to project	5/10/13
Email: Victoria Snow, Theresa Farias, Michael Robinson: In opposition to project	5/11/13
No Correspondence received	5/12/13
Letter: Reginald and Carol Audet: Concerns about project	5/13/13
Email: Donald Bourne: In opposition to project	5/13/13
No Correspondence received	5/14/13 to 5/18/13
Email, Eliza Cox (ECox), Nutter, McClennen & Fish, to AA: Has Lowes re-filed an application with the Commission?	5/19/13
No Correspondence received	5/20/13
Email: Sydnie Kirsis: In opposition to project	5/21/13
Email: Deb Hill: In opposition to project	5/22/13
Email: April Baxter, Peggy Gagnon: In opposition to project	5/23/13
No Correspondence received	5/24/13 to 5/27/13
Email: Brian Breen, Beth Marcus, Brian Forist, Noel Stella, Christine Yurgaites, Richard Herrmann, Mary Stella, Nancy Blatchford, Abby Stella, Eric Parrish: In opposition to project	5/28/13
Email: Matthew Barry, Rebecca Scanlan, Alice Ricca, Samuel Ricca, Sarah Huber: In opposition to project	5/29/13
Email: Christine Yurgaites: In opposition to the project (2 <sup>nd</sup> Email)	5/30/13
No Correspondence received	5/31/13
Email: Andrea Dorian, Karen Nicholson: In opposition to project	6/1/13
No Correspondence received	6/2/13
Email: Lynn Kayser: In opposition to project	6/3/13
No Correspondence received	6/4/13 to 6/5/13
Email, Christine Jarosz: In support of project	6/6/13
No Correspondence received	6/7/13 to 6/9/13
Email: Dawn Silver, David Whittaker, Jane Murphy-Senopoulos: In opposition to project	6/10/13
No Correspondence received	6/11/13
Email: Don Keeran, APCC: Comment letter	6/12/13
No Correspondence received	6/13/13
Email: Allan Notaro, Dale Gregory, Janice Lund: In opposition to project	6/14/13
No Correspondence received	6/15/13 to 6/16/13
Email: Jackie Halligan: In opposition to project	6/17/13
No Correspondence received	6/18/13 to 6/29/13
Email: Julia Miller: In opposition to project	6/30/13
Email: Hannah Deane, Christopher Deane, Deena Tolley: In opposition to project	7/1/13
Email: Nancy L. Polydys, Mike Nolte: In opposition to project	7/3/13
Email: Lynn Colangione, Baskin's True Value Hardware: Copy of article from <i>Grist Daily</i> , dated 7/1/13, <i>Here's one smart way to fight big-box stores</i>	7/3/13
Email: Peter Sheil: In opposition to project	7/5/13
Email, John Lipman, Lipman Development Strategies: Request to make a presentation at the Hearing	7/5/13

Email: Julie Royes: In opposition to project	7/6/13
Email: Susan Albright: In opposition to project	7/7/13
Email: Lawrence Callanan: In opposition to project	7/8/13
Email, with attachment: Kenneth Cram, Bayside Engineering, Inc., on behalf of the Old South Dennis Village Association and the Local Businesses for a Strong Cape Economy: Comment letter on Applicant's May 2013 Traffic Impact and Access Study	7/8/13
Email, with attachment: Cindy McGrath, Nutter, McClennen & Fish: Updated FXM Report	7/8/13
Letter, with attachment: ECox, Nutter, McClennen & Fish: Hard copy of updated FXM Report ( <i>Same as by Email on 7/8/13</i> )	7/9/13
Letter, Attorney David S. Reid, Esq., for the Old South Dennis Village Association: Comments on project	7/9/13
Email: Faith Gagne: In support of project	7/9/13
Email: Cliff Robbins: In opposition to project	7/9/13
Letter: Edmond R. Nickerson: In opposition to project	7/10/13
Email: Martha Moore, Jon Damian, Gloria Harris, Jayne B. Abbott, Susan W. Sargent, Courtney Shay, F.E. Khouw DMD, Carol Eich, Ellen LeBow, Joanne O'Donnell, Scot Kinum, Linda K. DiVittorio, Frank Cross, Nancy Marino, Scott Groper, Marilyn Macleod, Elise McMullin, Gail Conlon, Andrea Apruzzese, Michele Palmer, Roberta Winston, Laurel Campbell, Patricia Moriarty, Linda Fecteau, Beth Rosen, Janet Birkmann, Joanne DiFiore, Cassandra Kloumann, Wilbur Johnson, George Panagopoulos, Judith Maynard, Robert Duby, Cheryl Rose, Neil Kessner, Sylvia Plenz, Aaron Goodale, Larry Schwartz, Moria Piscatelli, Jean Romeo, Mary Ann Lozano, Janet Fields, Diane Mangiaratti, Patricia Debs, Roland and Sandra Smith, Dolly Jolly, Nancy Tubbs, Frank Bent, Jean Liptak, Stephen Williamson, Jerome Sodus, Andrea Daniels, Elizabeth Harry, Francie Williamson, Tina Watson, Jane Williamson, James F. Leighton, Jean Doolin, Wilhelmina Caolo, Rosemary Lenihan, Patricia S. Leighton, Peter Willsea, Sally Brotman, Sharalyn and Ron Saks, Mark Alvin, Patricia Gadsby: In opposition to project	7/10/13
Email: Rosetta Barry: Use the tax money to fix sidewalks and clean up West Dennis	7/10/13
Email: Stan and Sandra Goodwin, Dick Holmes, Nancy Yarmouth, Russell Dutra: In support of project	7/10/13
Letters: David Otis, Conor M. O'Brien, Rebecca Smith, Geoff Smith, Joy Caporello, Barry Souder: In support of project	7/11/13
Email: Liz Perry, Shirley Hayes, Elizabeth Hurley, Kimery Holl-Cnning, Ann Mahoney, Judith Blaine, John Hennessy, Ellen and Clinton Jones, Jean O'Brien, Jeremy Newcomb, Justin Newcomb, Anne Stewart, Kent Bailey, Sylvia Sullivan, Barbara Powell, Elizabeth James, Maria Emilsson, Wendy Waterman, Elaine Seberg, Marcia Burns, Alan Atkinson, David Wiener, Ron Baird, Deborah Kepner, Kathleen Joseph, Linda Donovan, Ernest Waterman, Michael Cirincione, Robert Wingard, Elisabeth Morse, Karen Torre, Donna Auciello, Karen Dunn, Mar Con, Theonia Reed, Catherine Burke, Irene Cooper, Judith Shay, Loretta Athanase, Steve Clark, Christine Emord, Margaret Alexander, James Alexander, Susan Conway, William Romeo, Sandra Clark, Gerard Somma, Lillian Greenberg, Marcia Otto, Eleanor Irving, Nancy Reynolds, Alison Swallow, Anne Slichter, Aileen Peters, Alex Paine, Jason Fong, Christine DeLiso, Lisa Ward, Amanda Madar, William Madar, Ken Huckins, Larry Seberg, Cindy Dolinger, Ann Comeau, Dale Doyle, Sue Lindblom, Debra Mead, Lea Snow, Annette Graczewski, Debra Kelley, Gail Press, John Watts, Andrea Nevins, Paula Mullen, Richard Waldhorn, Burt Lazarus, Robert and Lorraine	7/11/13

Cortez, Sheila Manning, Olive Darragh, Janet Hasek, Andrea Clardy, Robert Musik, Cheryl Barnes, Stephen Greenberg, Bonnie Nuendel, Sandy Soma, Elizabeth Tipton, Alicyn Robb, Lee Kane, Patricia White, MaryAnn Bell, Mary Anne Jurkiewicz, Mary O'Connor, Daniel Bowman, Melissa Renn: In opposition to project	
Email: Paul Beatty, Patricia O'Connell, Elizabeth Smith: In support of project	7/11/13
Email: Steve Butler: In support of project	7/12/13
Letter: Faith Gage, Patricia Debs, Ian Dolinger, Lisa Brown, Patricia Naper, Frank Rogers, John Livingstone, Guy Mathews, Judith Livingstone, Christine Stewart, Deb Winther, Paula Myles, Ilze Padegs, Irene Stankevics, Gynt Padegs, Lily Cheryl Cornette, Nancy Kesseli, Charles Manos, Beverley LeBlanc, Catherine O'Leary, Joanne Porter, Michelle Tapanainen, Heidi Schadt, Eileen Martins, T. Devine: In opposition to project	7/12/13
Email: Susan Kadar, Teresa Beatty, Gordon Stark, Thomas Smith, Jean Smith, Mike Chilinski, Deirdre Sullivan, Carol Erikson, Lara Henry, David Cross, John Ameer, Ray Eckel, Nancy Eisenbarth, Joan Nickerson, Georgia Lonkart, Sandra McKean, Bonnie Hempel, Max Delaney: In opposition to project	7/13/13
Email: Lawrence Soweck, Kris Etz, Margarita Perez, Maxine Wolfset: In opposition to project	7/14/13
Email: Jen Murphy: In support of project	7/14/13
Letter: Steve White, Bernadette Hager ( <i>with Newspaper editorial from Sid Snow included</i> ), Melville Farm, Shirley A. Barron: In opposition to project	7/15/13
Letter and Email: Michael G. Hunter, Cape Cod Astronomical Society: In support of project	7/15/13
Letter: Kathleen A. Sousa, Land Planning Manager, Cumberland Farms; William M. Thomas, Douglas W. Gorman: In support of project	7/15/13
Email: Tim and Kathie Maguire, Jean F. Farrell, Paul Donaue, Joni Miller, Jamie Ianniello, Warren D. Spicka, Irene Decoteau, Gale Mallett: In support of project	7/15/13
Email: Richard Hubbell: Critical of Commission review and staff report	7/15/13
Email: Joan Kirk, James Kirk, Linda Smith, Elizabeth Kennelly, Melanie Curtis, James Wick, Barrie R. Lavoie, Kyle Foley, Lisa Block, Jonathan Nickerson: In opposition to project	7/15/13
Copy, <i>No to Lowes!</i> Leaflet handed out at 7/16/13 public hearing	7/16/13
Letter: Joe Butler, Eric Tasha, Craig Oliviera, Jonathan Santy, JA Nancy: Received at 7/16/13 public hearing: In support of project	7/16/13
Color photographs (2): Hermosa Beach, 1901 postcard and current postcard with comment, received at 7/16/13 public hearing	7/16/13
Color photographs of South Dennis Historic Resources and Traffic Conditions, received at 7/16/13 public hearing	7/16/13
Letter, received at 7/16/13 public hearing: Joe Arone, Andy Fingado, Shelby Gasek, Jeffrey Rogers, Deacon William Gallerizzo, Shawn DeLude, Robert Berla', Bradford Ingraham, Ken Foster, Bonnie Hempel, Erin M. Stimmell-Clark, Robert Harrison, Jeff Plank, Douglas W. Dineen, Donald F. Howell, Raymond Ducharme, Sid Snow, Andrea Breen, Jessica J. Wile, Unsigned: In opposition to project	7/16/13
Signed Petition pages, received at 7/16/13 public hearing: In support of project	7/16/13
Signed Petition pages, received at 7/16/13 public hearing: In opposition to project	7/16/13
Email: Warren D. Spicka, William Dagilis, Jack Drake, Kristine Yates, Jacqueline Christensen, Michele A. Carney: In support of project	7/16/13
Letter: Jane M. Thomas: In support of project	7/16/13
Letter: Faith Gage, Suzanne Brock, Felicia Penn, Joan M. Turley, Richard and	7/16/13

Jane Wilson: In opposition to project	
Email: Susan Buta, Dan and Carole Donohue, Elissa Fenster, Christine Yurgaites, Gail Ferguson, Louise Hopper, Jonathan Rosenthal, Deborah Keniry, Jennifer Cleary, Savitri Clarke, Michael Richardson, Nina Sennott, Kelli Trudel, Lori Berman, Tracy Risley, Virginia and Larry Koss, Susan Futrell, Aaron Freedman, Martha Jeffrey, Chris Vaughn, Carolyn Metla, Heather Kotel, Chrissy Barnard, Nicholas Barber, Margaret Anschutz, Barbara Britton, Steven Kennie, John Doody, Julia Hagen, Regina Nazzaro, Lolly and Tom Gerhardstein (two Emails), Athleen Zimmermann, Jean Lem (2 Emails), Elaine McDevitt, Bruce and Mary Carlson, Jane Rothfuss, Carolyn Parker, James C. Wick, John Clarke, Dan Bridge, EB Herrmann: In opposition to project	7/16/13
Email: Jeff Risley: In support of project	7/17/13
Email: Robert Cook and Mary Hake, Jane Whitley, Theresa Collucci, Alexandra Grabbe, Faitj Gage, Jenny and Shelly Silver, Laurie Keeran, Barbara E. Gray, Karen Curtin, Bob Churchill: In opposition to project	7/17/13
Email: Laurie Keeran, Edmond Nickerson, Hayley Thomas, David Zavesky, Cheryl Bierwirth, Tara Nye, Christa Dulude, Henry Blenke, Alexandra Grabbe, Abril Retana, Christine Cox, Bob Zimmermann, Geoff Keniry, Patricia Simpson, Linda Shannon: In opposition to project	7/18/13
Letter: Richard W. Neitz: In support of project	7/19/13
Email: Lawrence and Peg Callanan, Bethia Brehmer, Linda Shannon: In opposition to project	7/19/13
Email: ECox, Nutter, McClennen & Fish: Request copy of Applicant's Power Point from July 16, 2013 public hearing	7/19/13
No Correspondence received	7/20/13
Email: Ellen Adler: In opposition to project	7/21/13
Email: Thomas M. Evans, President, Resource Group 175, to Glenn Cannon: Comments on Transportation issues	7/22/13
Letter: Jacqueline Bartels: In opposition to project	7/23/13
Email: Ivan and Rita Vamos, Larry Tuxbury: In opposition to project	7/23/13
Letter: Amanda Converse, including a page of eight signatures on a <i>No to Lowes in Dennis</i> petition form	7/24/13
Email: Matthew McElligott, Hugh L. Guilderson, PhD, Igor Vamos: In opposition to project	7/24/13
Letter: Robert and Maryann Berla': In opposition to project	7/25/13
Email: Judy Alexander (2), Nancy Shoemaker (2), Jon Damian, Susan W. Sargent (2), Daniel Gallagher, Peter Cook, Nancy Gifford, F.E. Khouw, D.M.D, Cynthia Harper, Dianne Young (2), Pat Eggers, Alice Donisi-Freehan (2), Austin C. Stern, Traci Gionfriddo, Lolly and Tom Gerhardstein (2), Sara Calkins, Samantha Chin, Elena Marchand, Charles Wentz, Mary Wright: In opposition to project	7/25/13
Email: ECox (Cindy McGrath/Nutter/McClennen/Fish) to AA: Copy of testimony given at 7/16/13 Hearing and another copy of FXM study	7/25/13
Letter: Sally Huffman: In opposition to project	7/26/13
Email: Ann Kirk, Robert A. Brady, John and Cindy Harper, Ruth Hauzinger, Barbara Britton, Rebecca and Michael Lach: In opposition to project	7/26/13
Letter: ECox to AA: Hard copy of testimony given at 7/16/13 hearing	7/26/13
Email: ECox to Jessica Wielgus: Questions about continued hearing process on July 30, 2013	7/26/13
Email: Hank Bowen, Chairman, Dennis Road Safety Task Force: Request to make a short presentation at July 30, 2013 continued public hearing	7/26/13
Email: Gita George, Ruth G., Russell Schell, Patricia and Robert White, Lydia	7/27/13

Conca: In opposition to project	
Email: Maryellen Becker, Meaghan Smith: In opposition to project	7/28/13
Email: Ralph Whitehead, Brenda Robinson and Shawn Pacheco, Stan Godwin Photography Workshops (2), John and Janis O'Riley, Ted Liszweski,	7/29/13
Email: Linda Mills (2), Janet Foster, Sandra Thompson, Paula Miller, Margaret Sulanowski (2), Robert W. Howarth, PhD, Susan Makowski, Mary F. Dulemba (2), Karen Greene, Jo Ann Muramoto, Louise Luckenbill, Joyce and Julian Jackson, Judith Watts, James and Elizabeth Trask (2), Jeff King, Florence C. Prusak with Email from Gretchen A. Riley, Kurt D. Gress, Thorpe Family, Albert Lucarini, Veronica Hernandez, Tara Nye, Barbara Bowers, Joan B. Bernstein, Francoise McDougall, Kathryn Kossack, Martha Gorman, Dr, Martin and Elaine Abrams, Carrie Staff: In opposition to project	7/29/13
Email: Ron Lasko, Donna Lasko, Rita MacLean, Dan Shay, Linnet Tse and John Forsyth (2), Pricilla Jones, Marybeth Lavenberg, Marie Drew, Dr. Martin and Elaine Abrams, Malalyn Hillis-Deen, Elaine and Dr. Paul Dratch, Carol Haigh, Daniel Helman, Robert Moss, Mary Driscoll: In opposition to project	7/30/13
Letters: Karen Goggins, Lee C. Josselyn: In opposition to project	7/30/13
Written Testimony Received at July 30, 2013 Hearing: Christine Jarosz, Donald Baker, Jr., Brian Carey, Matthew K. Teague and James P. Hagerty, REEF REALTY, Richard J. O'Hearn: In support of project	7/30/13
Written Testimony Received at July 30, 2013 Hearing: David L. Milkey (2), Alison Bickford, Robert J. Surette, Steve Spewock, Nancy Morton, Madalyn Hillis-Deen, Laura Cassin, Karen Fenton, Bonnie Hemple, Jessica Wile, Agway of Cape Cod, Clint Remington, Bryan J. Williams, Alcica Kelly, Robin Peabody, Sally Campbell, James Kirk, Barbara Britton, Katherine Holly Langer, Teresa and Michael Baska, Lawrence and Virginia Koss, Karen Nicholson, Felicia Penn, Scott Levin, Marilyn Elliot McDounough, Lucinda S. Harrison, Judith Scanlon, Lake Farms and Gardens, Tom Warren, Amy McPherson, <i>Institute for Local Self Reliance</i> , Unknown: In opposition to project	7/30/13
Written Testimony Received at July 30, 2013 Hearing: Hank Bowen, Dennis Road Safety Task Force	7/30/13
Letter: Larry and Marykate Johnson: In opposition to project	7/31/13
Email: Shana Brogan, Ray Eckel: In opposition to project	7/31/13
Email: Katheen R. Tosiello, Joan Hennessey, Laurie McColgan, Michael McColgan: In opposition to project	8/1/13
No Correspondence Received	8/2/13
Email: Kristen Sternlieb: In opposition to project	8/3/13
Email: Dorothy Woods: In opposition to project	8/4/13
Email: Marilyn A. McCormick, Patrick Boruta, Bruce E. Splaine, Nathan Feroli, Joseph Martins: In opposition to project	8/5/13
Email: Richard Houlihan, Marilyn A. McCormick (2), Sam McCormack, David L. Boyer: In opposition to project	8/6/13
No Correspondence Received	8/7/13 to 8/8/13
Email: Nichole Muller, <i>Register</i> newspaper, to Nancy Hossfeld: Information received	8/9/13
No Correspondence Received	8/10/13
Email: Jeffrey Glick: In opposition to project	8/11/13
No Correspondence Received	8/12/13
Email: Thomas Leab: Concern about project's impacts on Dennis Fire Dept.	8/13/13
Email: Beth Ogilvie-Freda, Rebecca Freda: In opposition to project	8/14/13
Email: Nichole Muller, <i>The Register</i> , to Nancy Hossfeld: Question on	8/14/13

Commission's process	
Email (2 <sup>nd</sup> ): Nichole Muller, <i>The Register</i> , to Nancy Hossfeld: Question on Commission's process	8/14/13
Email: Ed Mathews, Barbara E. Gray: In opposition to project	8/15/13
Email: ECox to AA: Response of FXM Associates to comments made by Dr. Barrow on FXM Associates report	8/15/13
Letter: ECox to AA: Response of FXM Associates to comments made by Dr. Barrow on FXM Associates report ( <i>Same as Email received on 8/15/13</i> )	8/16/13
Email: Don Keeran, APCC: Request for staff report	8/16/13
Email: Dan Bowman: In opposition to project	8/16/13
Letter: James F. and Patricia S. Leighton: In opposition to project	8/16/13
Email: Jeffrey Dirk, Vanasse and Associates, to Glenn Cannon: Seeking information from the record	8/16/13
Email: Charles Grady: In opposition to project	8/17/13
Email: Ken McAloon, Kevin McGinnis, Nancy L. Polydys, Amelia J. Marcin, John Howe Jr.: In opposition to project	8/18/13
Email: Robert Berla, Copy of article written for Dennis Register, Timothy Woodcome, Christine Tynan : In opposition to project	8/19/13
Letter: Joseph Travelo: In opposition to project	8/19/13
Letter: Marybeth Lavenberg: In opposition to project	8/20/13
Email: Chuck Ubaldi, Joel Berler, Robert Kennedy, Ellen Russon, Sally Campbell, Bob Wilkinson, Ken Le Blanc, Laura Curry, Hart Fessenden, Laura Shapiro Kramer, Russell Schell, Margaret McAloon, Linda Heck, Barbara W. Parker and William T. Parker, Joel Connolly, Susan Wiener, Alison Robb, Barbara W. Knowlton, Martha Gorman, Aidan Biondi: In opposition to project	8/20/13
Email: Diane Schoenfelder (2), Jeffrey Saul: In support of project	8/20/13
Packet of Letters from APCC: In opposition to project	8/20/13
Email: Jeffrey Dirk, Vanasse Associates, to AA: Acknowledge Email on how to find data on Commission's Webpage	8/21/13
Email: Paul Carrington (with 3 attachments); GinGee Moy, Vivian Lem, Cordes George, Joseph Masse, Heather Comeau, Kelly Choi, Clare Hemmenway, Kathleen Kennedy, Amy Rogell, Joel Connolly, Gary Gallo: In opposition to project	8/21/13
Email: John F. Schoenfelder (2), Jeffrey Saul: In support of project	8/21/13
Letter: Bill and Karen Goggins: In opposition to project	8/21/13
Email: Peter Howes, Susan Reisch, Sarah Kruger, Elizabeth Comeau, Dianne Young: In opposition to project	8/22/13
Letter: Ken McAloon, Ken Foster, Jean M. Broadway: In opposition to project	8/22/13
Letter: APCC: Concerns about project and recommends use of alternative wastewater treatment systems <i>Attachments: Decentralized Wastewater Management in Pembroke, MA; Handout by AquaPoint, supplier of alternative wastewater treatment system used in Pembroke, MA</i>	8/22/13
Letter: A. Jerald Palazzo, Timothy D. Klink, Len McCue: In support of project	8/22/13
Email: Kathleen Holden, Warren Spicka: In support of project	8/22/13
Petition Against Lowe's ( <i>Received at the Continued Hearing</i> )	8/22/13
Email: Don Keeran, APCC: Copy of letter submitted by hand at 8/22/13 continued hearing with its attachments	8/23/13
Email: Michael P. Holden, Eileen Holden: In support of project	8/23/13
Email: Nuria Gomez, Marta Soler, Robert Berla', Jean Broadway, Faye Galgay: In opposition to project	8/23/23

Email: Robert Schell: In opposition to project	8/25/13
Letter: Elizabeth and Paul Butler: In opposition to project	8/26/13
Letter: David Hegman, Stanley R. Bryant: In support of project	8/27/13
Letter: Stephen Harding: In opposition to project	8/27/13
Copy of printout from San Francisco Chronicle about Lowe's (Unsigned)	8/27/13
Letter: Allan and Jean Stevens: In opposition to project	8/27/13
Email: Margaret J. Lilienthal, Michael Grella: In opposition to project	8/29/13
No Correspondence Received	8/30/13
Email: Janet Compangna, Heather H. Blume: In opposition to project	8/31/13
No Correspondence Received	9/1/13
Letter: Raymond O. Killila: In opposition to project	9/3/13
Email: Janet Brodeur (2), Dianne Young: In opposition to project	9/3/13
Email: Shawn Dahlstrom: In opposition to project	9/4/13
Email: Kelly Sullivan, Joan Heckel, Jane Fulton: In opposition to project	9/5/13
Email: Attorney Cox to AA: Comment letter on project (as PDF and hard copy)	9/6/13
Letter: Kelly Sullivan: In opposition to project	9/6/13
Email: Richard Griffin: In support of project	9/7/13
Email: Arlene Decker: In opposition to project	9/7/13
No Correspondence Received	9/8/13
Letter: Joan Y. Dickerson, with attachments: 7/16/13 comments; Article from <i>The Register</i> , 8/1/13; <i>Boston Globe</i> , Letters to the Editor, 8/7/13	9/9/13
Email: Michael Carlo: In support of project	9/10/13
Email: ECox to JW: FXM representative seeks to speak at 9/13/12 hearing	9/10/13
Email: Peggy McAloon, Diana Balajadia: In opposition to project	9/11/13
Email: Francis Mahady, FXM: Response to Commission staff economic development questions	9/11/13
Francis X. Mahady, FXM: Testimony to Subcommittee	9/12/13
Letter: Hugh Blair-Smith, with attachment: Concerns about Lowe's Attachment: Sketch showing suggested new Exit 9C	9/12/13
Letter: Sonja and John Cuneo: In opposition to project (dated 8/22/13)	9/12/13
Email: Peggy McAloon: In opposition to project – impact to Transfer Station	9/12/13
Letter: Jeremy Higgens: In support of project	9/12/13
Letter: A. Jerald Palazzo: In support of project	9/12/13
Email: Peter Lyons: In support of project	9/12/13
Email: Charles Hampshire: In opposition to project	9/12/13
Email: Loren Evarts, Charles Hampshire, Shelly B. Silver: In opposition to project	9/13/13
No Correspondence Received	9/14/13
No Correspondence Received	9/15/13
Letter: Lorraine and Russell Clarke: In opposition to project	9/16/13
Letter: James Fargo Balliett: In support of project	9/16/13
Letter: Jean Stevens: In opposition to project	9/16/13
No Correspondence Received	9/17/13
Email: Janet Warren: In support of the project	9/18/13
Letter: Joan and Robert Stout: In opposition to project	9/19/13

Email: Scotty Goodwin: In opposition to project	9/19/13
Letter: Richard L. Burse: Comments on proposed project traffic flows	9/20/13
Email: Jennifer Hanley: In opposition to project	9/20/13
Email: Dorris Espie: In opposition to project	9/21/13
No Correspondence Received	9/22/13
Letter: Michael G. and Marilyn Hunter: In support of project	9/23/13
Letter: Attorney Cox, with attachment: Copy of 2010 report by Carol Ridley, "Are Chain Stores Bad?" done for Cape Cod Commission	9/23/13
Email: William Murry, Theresa Murry: In opposition to project	9/23/13
Email: Nancy Clifford: In support of project	9/23/13
Letter: Gillian Drake: In opposition to project	9/24/13
Email: Tim and Kathie McGuire, Michael A. Carlo: In support of project	9/24/13
Email: Warren Hall: In opposition to project	9/24/13
Letter: Don Keeran, APCC: Comments on project	9/25/13
Copy of testimony given at Hearing: Joseph Travelo: In opposition to project	9/25/13
Copy of testimony at Hearing: Peter Nyberg: In support of project	9/25/13
Fax: True Nichols: In opposition to project	9/26/13
Email: Amy McPherson: In opposition to project	9/26/13
Email: Nancy Clifford, Michael Carlo: In support of project	9/26/13
Email: Thomas Evans: In opposition to project	9/27/13
Email: John Vaughn: In support of project	9/27/13
Email with Letter attached, Attorney David S. Reid: Comments on project from Old South Dennis Village Association	9/27/13
Email: Thomas Woods, Cheryl Kelly, Marilyn Adams Kellett: In opposition to project	9/27/13
Email: Robert Perkins: Traffic concerns about Highbank Road	9/27/13
No Correspondence Received	9/28/13 to 9/29/13
Email: Edmond R. Nickerson, Charles N. Robinson (Rogers and Gray Insurance), Kenneth Hall Foster: In opposition to project	9/30/13
APCC, Copy of Petition with Signatures (30 pages including cover sheet): Concerns about Lowe's	9/30/13
Letter, Patricia Corcoran: In opposition to project	10/1/13
Letter: W. Bradford Morse, Elizabeth C. Morse and Linda M. Barbieri: In support of project	10/1/13
Letter: Celine R. Federici: In opposition to project	10/1/13
Letter: Michele A. Kittila: In opposition to project	10/1/13
Signed Petition pages, from APCC: In opposition to project (22 pages including cover letter from Lynn Colangione)	10/1/13
Email: Lynn Kellett to Executive Director	10/1/13
Email: Tom Evans, Steven Hubbard, David Zavesky, Julie and Steven Kennie, Robert Berla, Morgan Dodd, Julie Koncius, Margaret J. Lilienthal, Janice Pacunas, Eve Adler, Scott Groper, Jerome Sodus, John Hutchinson, Deborah McDevitt Hays, Susan Albright, Sigita Clark, Joan C. Kozar, Ann Potter (3), KH Langer, Kenneth Lemerise, Joseph Arone, Nancy Tubbs: In opposition to project	10/1/13
Email: Paula Sarli, Tom Gardner, R.J. Fulton, Barbara Parker, Willard Parker, John Vincent, Alicea Kelly, David Cross, Katherine Talmadge Salle, David J. DeCenzo, Diane Silverstein, Richard Herrmann, Christine Yurgaites, R.R.	10/2/13

Stout, Carolyn Banks, John Kenney, Walter Schlien, Ava Reed, Priscilla Husband, Bill McCormick, Marilyn McCormick: In opposition to project	
Email, Attorney Cox: Supplemental comment letter on project with attachments <i>Attachments: Traffic Engineering Peer Review, Bayside Engineering, dated 10/1/13; September 4, 2013 letter of proposed project detriments</i>	10/2/13
Letter, Attorney Cox: Supplemental comment letter on project with attachments ( <i>Same as submitted by Email on 10/2/13</i> )	10/2/13
No Correspondence Received	10/4/13 to 10/5/13
No Correspondence Received	10/9/13 to 10/13/13
Email, Don Keeran, APCC: Letter attached commenting on the project	10/15/13
Email, ECox: Letter commenting on October 11, 2013 VHB Memorandum ( <i>also submitted as a hard copy by mail</i> )	10/16/13
No Correspondence Received	10/17/13 to 10/24/13
No Correspondence Received	10/26/13 to 10/31/13
Email, Don Keeran, APCC: Letter attached commenting on the project	11/1/13
Email, ECox, Letter commenting on project: Compliance with MPS LU1.2; comments on Liner building, Nitrogen Loading, Change of Use and Traffic	11/1/13
No Correspondence Received	11/2/13 to 11/7/13
Email, Don Keeran, APCC: Letter attached commenting on Lowe's 11/6/13 information	11/8/13
Email, ECox, Letter commenting on Lowe's 11/6/13 information	11/8/13
No Correspondence Received	11/9/13 to 11/24/13
Email, Cindy McGrath, to AA: Requesting copy of draft written Lowe's decision	11/25/13