

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



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

SECTION 14 CERTIFICATE

Project Applicant/
Property Lessee: Chick-Fil-A Inc.
c/o Michael D. Ford, Esq.
72 Main Street, P.O. Box 485
W. Harwich, MA 02671

Property Owner: Mayflower Cape Cod LLC c/o Simon Property Group LP

Project/
Project Site: Chick-Fil-A (CCC No. 16001)
104 Enterprise Road, Hyannis, MA 02601

Assessors Parcel ID: Map 294 Parcels 18, 19 & 23

Title Reference: Barnstable Registry District of the Land Court
Certificate of Title 154620/ Plan No. 13216-I, Lots 10, 13 & 14

Based on a finding made by the Cape Cod Commission's Committee on Planning and Regulation at its meeting March 31, 2016, that the Project substantially complies with the Barnstable County Regional Policy Plan (RPP) and does not have significant adverse impacts upon the purposes and values identified in Section One of the Cape Cod Commission Act, the Executive Director hereby issues this Certificate under Section 14 of the Commission's Enabling Regulations Governing Developments of Regional Impact (DRI). This Certificate confirms that there is no continuing DRI jurisdiction under the Cape Cod Mall Expansion DRI Decision (TR96025), as modified, over the Project or Project Site.

The Project involves the construction and operation of an approximately 5,219± square foot Chick-Fil-A drive-through restaurant on the 1.74 +/- ac. Project Site. The Project is proposed according to the following plans:

- *Site Development Plans For Proposed Chick-Fil-A With Drive-Thru, Location Of Site: 104 Enterprise Road, Village Of Hyannis, Town Of Barnstable, Barnstable County, Massachusetts, MAP #294, LOT #18,19, 23, Prepared by Bohler Engineering, consisting of 18 Sheets, last revised date 12/2/2015;*
- *Cape Cod FSU, Hyannis, MA, Schematic Design Package, Chick-Fil-A, Store #03545, Consisting of 11 sheets, dated 10/27/15.*

As conditions subsequent to issuance of this Certificate, the Applicant shall undertake the Transportation Improvement Program, prepared by VAI and dated 3.18.16, a copy of which is attached hereto, and shall pay to the Town of Barnstable's Affordable Housing Growth Development Trust Fund \$25,886.24.

**Issuance of Section 14 Certificate
Chick-Fil-A, 104 Enterprise Road, Hyannis**

Executed this 7th day of April 2016.



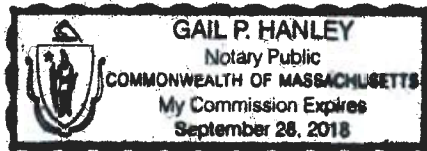
Paul Niedzwiecki
Executive Director, Cape Cod Commission

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April 7, 2016

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Gail P. Hanley
Notary Public
My Commission Expires: 9-28-18

SEAL



HYANNIS, MASSACHUSETTS TRANSPORTATION IMPROVEMENT PROGRAM

PROJECT ACCESS (INCLUDED IN SITE DEVELOPMENT COSTS)

Access to the Project will be provided by way of the private way to the south of the Project site that intersects the west side of Enterprise Road approximately 300 feet south of Route 132, and a new right-turn entrance only driveway that will intersect the south side of Route 132 approximately 220 feet west of Enterprise Road. The Project site and the accompanying driveways will be designed and constructed as follows:

- The full access Project site driveway that will intersect the private way to the south of the Project site will be a minimum of 24-feet in width and accommodate two-way traffic, with vehicles exiting the Project site placed under STOP-sign control with a marked STOP-line provided.
- The right-turn, entrance only Project site driveway that will intersect the south side of Route 132 will be 18-feet in width as requested by the Hyannis Fire Department and include appropriate signs and pavement markings indicating the regulated flow of traffic at the driveway.
- Specific traffic calming measures will be implemented internal to the Project site in order to reduce travel speeds within the parking field and to discourage cut-through traffic. These measures will include the use of textured pavement entering the Project site from Route 132, installation of a raised crosswalk with textured pavement across the primary circulating aisle and a speed “hump” across the full access driveway to the private way.
- The Project site driveways and internal circulating aisles will be designed to accommodate the turning and maneuvering requirements of service and delivery trucks and emergency vehicles (as defined by the Hyannis Fire Department).
- All signs and pavement markings to be installed within the Project site will conform to the applicable standards of the *Manual on Uniform Traffic Control Devices* MUTCD.¹
- Sidewalks will be provided within the Project site to link the proposed building to the sidewalk infrastructure along Route 132 and Enterprise Road, with marked crosswalks and wheelchair ramps provided at pedestrian crossing locations.
- Signs and landscaping internal to the Project site and at the Project site driveway intersections with Route 132 and Enterprise Road will be designed and maintained so as not to restrict lines of sight and so as not to interfere with emergency vehicles as defined by the Hyannis Fire Department.
- Two (2) bicycle racks will be installed at convenient locations within the Project site proximate to the building entrances.

¹*Manual on Uniform Traffic Control Devices (MUTCD)*; Federal Highway Administration; Washington, D.C.; 2009.



HYANNIS, MASSACHUSETTS TRANSPORTATION IMPROVEMENT PROGRAM

SAFETY IMPROVEMENTS (\$77,000)

In an effort to reduce the frequency of occurrence of motor vehicle crashes at the intersections of Route 132 at Bearses Way and Route 132 at Enterprise Road and Independence Drive, the following improvements will be implemented by the Applicant:

1. Existing signs and pavement markings at the intersections will be reviewed, upgraded and/or replaced, to include the installation of advance lane use markings and accompanying sign on the Enterprise Road approach to Route 132;
2. Traffic signal timing and clearance times will be review and adjusted as necessary;
3. Traffic signal indications will be cleaned, relamped and adjusted as may be required in order to improve the visibility of the signal indications;
4. Reflectorized tape will be added to **the** perimeter of backplates in order to enhance the visibility of the signal indications; and
5. The vehicle detection system will be tested and repaired/replaced or adjusted as necessary.

The Applicant will complete these improvements prior to the issuance of a Certificate of Occupancy for the Project and subject to receipt of all necessary rights, permits and approvals.

In addition, at the request of the Cape Cod Commission, the Applicant will escrow \$5,000 for use by the Town in conducting a Roadway Safety Audit (RSA) for the intersection of Route 132 at Enterprise Road.

TRAFFIC OPERATIONS IMPROVEMENTS (\$15,000)

The Applicant will escrow \$15,000 for use by the Town to implement traffic signal timing changes at the intersections of Route 132 at Bearses Way and Route 132 at Enterprise Road and Independence Drive in order to reduced motorist delays and vehicle queueing that may be associated with the Project. With implementation of the traffic signal timing changes, the resulting betterments were achieved as documented in the September 2015 *Transportation Impact Assessment* for 2022 Build with Mitigation conditions:

Route 132 at Bearses Way:

Average-Month Conditions: Overall LOS C operating conditions maintained during the weekday morning, **week**day evening and Saturday midday peak hours.

Peak-Month Conditions: Overall LOS C/D operating conditions maintained during the weekday morning, **week**day evening and Saturday midday peak hours, with no movement operating below LOS E (an improvement over No-Build conditions).





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Route 132 at Enterprise Road and Independence Drive

Average-Month Conditions: Overall LOS C operating conditions maintained during the weekday morning peak-hour and improved to LOS C during both the weekday evening and Saturday midday peak hours.

Peak-Month Conditions: Overall LOS C/D operating conditions maintained during the weekday morning, weekday evening and Saturday midday peak hours, with reduced overall motorist delay (an improvement over No-Build conditions).

The Applicant will escrow the funds to complete the traffic signal timing improvements prior to the issuance of a Certificate of Occupancy for the Project. Should said funds not be encumbered by the Town for the stated purpose within 2-years after the issuance of the Certificate of Occupancy for the Project, the funds shall be returned to the Applicant.

ROUTE 132 REGIONAL RESPONSE CORRIDOR ENHANCEMENTS (\$94,000)

The Applicant will complete improvements to the emergency vehicle pre-emption (OPTICOM™) system at the following intersections along the Route 132 corridor in order to improve regional emergency response and travel times:

1. Route 6 On-ramp (North Burger King) – Adjust/replace receivers; replace circuit board
2. Route 6 On-ramp (South) - Adjust/replace receivers; replace circuit board
3. Shootflying Hill Road - Adjust/replace receivers; replace circuit board
4. Attucks Way - Adjust/replace receivers; replace circuit board
5. Phinneys Lane - Adjust/replace receivers; replace circuit board
6. Bearses Way - Adjust/replace receivers; replace circuit board
7. Festival Plaza - Install OPTICOM™ system
8. Enterprise Road - Adjust/replace receivers; replace circuit board
9. Capetown Plaza/Cape Cod Mall - Install OPTICOM™ system

The emergency vehicle pre-emption system improvements will be completed by the Applicant prior to the issuance of the Certificate of Occupancy for the Project and subject to receipt of all necessary rights, permits and approvals. The stated improvements are limited to the pre-emption system and shall not include the replacement, repair or upgrade of any other appurtenances associated with the traffic signal system.

BEARSES WAY/CORPORATION DRIVE PEDESTRAIN IMPROVEMENTS (\$20,000)

The Applicant will escrow \$20,000 for use by the Town to for the design and installation of a pedestrian crossing at the Bearses Way/Corporation Drive intersection.





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PEDESTRIAN ACCESS IMPROVEMENTS (\$52,000, PENDING DISCUSSION CONCERNING TOWN IMPROVEMENT PROJECT AT THE ROUTE 132/ENTERPRISE ROAD INTERSECTION)

At the request of the Cape Cod Commission and in an effort to meet the trip reduction standard of the Cape Cod RPP, the Applicant will undertake the following pedestrian access improvements:

Enterprise Road/Private Way: Reconstruct wheelchair ramps for crossing Private Way consistent with the accessibility standards of the Americans with Disabilities Act (ADA); install crosswalk pavement markings; install pedestrian crossing warning signs.

Enterprise Road/Cape Cod Mall Driveway: Reconstruct wheelchair ramps for crossing Enterprise Road consistent with ADA accessibility standards; install crosswalk pavement markings; install pedestrian crossing warning signs.

Route 132/Enterprise Road: Reconstruct wheelchair ramps for crossing Enterprise Road and Route 132 (west leg) consistent with ADA accessibility standards; install crosswalk pavement markings; replace pedestrian pushbuttons and signal heads if not ADA compliant; install audible pedestrian system (APS).

TRIP REDUCTION MEASURES (INCLUDED IN OPERATION COSTS)

In an effort to reduce the overall volume of traffic that is expected to be generated by the Project and to encourage use of alternative modes of transportation to single-occupant vehicles, the Applicant will implement the following trip reduction measures subject to corporate policies:

- A transportation coordinator will be assigned to coordinate the traffic reduction program for the Project.
- A “commuting alternatives packet” will be made available to employees detailing available public transportation services, bicycle and walking alternatives, and commuter options available through MassRIDES’ and their NuRide program which rewards individuals that choose to walk, bicycle, carpool, vanpool or that use public transportation to travel to and from work, and the RTA.
- A guaranteed-ride-home program will be offered to employees that car/vanpool, walk or bicycle to work for emergencies that may arise during the workday.
- Direct deposit of employee payroll checks will be offered.
- Employees will be provided with a free meal for each shift that they work.
- Sidewalks will be provided within the Project site that will link the proposed building to the sidewalk infrastructure along Route 132 and Enterprise Road.
- Lighting will be provided within the Project site and around the building perimeter to provide a safe and inviting pedestrian environment.





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TRANSPORTATION IMPROVEMENT PROGRAM**

- Full handicapped access will be provided within the Project site and along proposed internal circulating roadways.
- A bicycle rack will be provided at a convenient location within the Project site proximate to the building entrances.

In order to document the success of the trip reduction program, the Applicant will conduct an annual survey of employee participation in the program. The results of the survey will be made available to the Town upon request and will be used, in part, to develop additional strategies as may be necessary to increase and expand participation in the trip reduction program.

ESTIMATED TRANSPORTATION MITIGATION COST:\$258,000

\$59,000 increase over Town approved mitigation program