CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

DATE:	February 9, 2006
APPLICANT:	Cape Cod Co-operative Bank PO Box 310 Yarmouthport, MA 02675-0310
RE:	Development of Regional Impact Cape Cod Commission Act, Sections 12 and 13
PROJECT #:	TR# O5026
PROJECT:	Cape Cod Co-operative Bank Operations Center
MAP/PARCEL:	Map 296, Parcel 29 and 30 Map 314, Parcel 42
BOOK/PAGE:	Book 13196, Page 291 Book 11462, Page 88

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Cape Cod Co-operative Bank (Applicant) as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c.716 of the Acts of 1989, as amended, for the proposed Cape Cod Co-operative Bank Operations Center project (Project) in Hyannis, MA. The decision is rendered pursuant to a vote of the Commission on February 9, 2006.

PROJECT DESCRIPTION

The project site is located on Benjamin Franklin Way within Independence Park, which is deemed part of an industrial growth center in the Barnstable Local Comprehensive Plan (LCP). The proposed two-story building will have a building footprint of 15,000 square feet and gross

floor area of 36,250 square feet and will have two driveways on Ben Franklin Way. The bank is proposing to move the existing administrative offices and staff to the new building from the existing operations center in Yarmouthport. The bank will occupy approximately half of the proposed building and lease out the remaining general office space. No new additional staff are proposed to be hired.

PROCEDURAL HISTORY

The Cape Cod Co-operative Bank Project was referred to the Commission as a mandatory Development of Regional Impact (DRI) by the Barnstable Town Manager on September 22, 2005. The Applicant submitted a DRI application dated October 28, 2005.

A duly noticed public hearing was conducted pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on January 10, 2006 at the Barnstable Superior Courthouse. The subcommittee held a public meeting on January 26, 2006 to deliberate on the Project, reviewing it under the 2002 Regional Policy Plan (RPP), as revised, and voted unanimously to recommend approval to the full Commission. The final public hearing was held before the full Commission on February 9, 2006. At this hearing, the Commission voted unanimously to approve the Project as a DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

From the Applicant:

- Memorandum from Attorney Michael Ford regarding submissions to staff dated October 21, 2005
- DRI application form dated October 28, 2005
- DRI narrative information dated October 28, 2005
- Purchase and sale agreement dated October 28, 2005
- Natural Resource Inventory by ENSR, International dated October 28, 2005
- Nitrogen loading report dated November 28, 2005
- Site plans (Sheets 1-5 by Holmes and McGrath) dated December 14, 2005
- Conceptual parking mitigation site plan for parcel B dated December 14, 2005
- Computer elevations dated December 14, 2005
- Open space plan dated December 22, 2005
- Revised DRI narrative submitted by Attorney Ford's office dated December 23, 2005
- Design narrative submitted by DRL Architects dated December 27, 2005
- Memorandum from VHB, Inc. dated December 27, 2005
- Lighting technical cuts submitted by DRL Architects dated January 10, 2006
- Memorandum from Attorney Michael Ford dated January 12, 2006
- Memorandum from Attorney Michael Ford dated January 17, 2006
- Revised stormwater plan submitted dated January 20, 2006
- Revised landscaping plan submitted by DRL Architects dated January 26, 2006
- Revised building plans prepared by DRL Architects dated January 27, 2006
- Memorandum from Attorney Michael Ford regarding draft decision dated January 27, 2006
- Draft 3-year landscaping maintenance agreement dated January 31, 2006

- Photometric site plan prepared by DRL Architects received by staff dated February 1, 2006
- Revised Planting Plan (Sheet L-1) submitted by DRL Architects dated February 8, 2006

From Cape Cod Commission staff:
- Memorandum to Attorney Michael Ford regarding landscaping dated January 18, 2006

From Federal, State or Local officials:
- Application for site plan review dated September 7, 2005
- DRI Referral Form dated September 22, 2005
- Letter from Representative Demetrius Atsalis dated November 17, 2005
- Letter from Massachusetts Historical Commission dated November 21, 2005
- Letter from Barnstable Town Manager dated January 10, 2006
- Email from Ms. Patricia Daley dated January 12, 2006
- Letter from Growth Management Department regarding open space dated February 1, 2006

From the Public:
- Email from Mr. Tony Shepley dated January 10, 2006

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

Note: see minutes in Project file for complete public hearing and subcommittee meeting proceedings.

At the January 10, 2006 public hearing the Applicant provided an overview of the proposed Project. Staff provided an overview of issues associated with community character, transportation, water resources, economic development and hazardous waste management. The Subcommittee heard oral testimony at the Public Hearing from:

Patty Daley of the Barnstable Department of Growth Management read a letter into the record from Town Manager John Klimm stating that his office was in support of the proposed project. She also stated that the proposed chain link fence around the detention pond was required under the town's zoning bylaw.

Christopher Olsen, Deputy Fire Chief from the Town of Barnstable, spoke about the proposed design of the Operations Center and stated that the department wanted access to the building from all sides. He also stated that the department would like an Opticon system at the nearby intersection.

JURISDICTION

The proposed Project qualifies as a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations governing review of Developments of Regional Impact as new construction of any building or buildings with a Gross Floor Area greater than 10,000 square feet.

FINDINGS

The Commission has considered the application of Cape Cod Co-operative Bank for the proposed Cape Cod Co-operative Bank Operations Center Project, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to the 2002 RPP and Section 23 of the Act:

General

G1 The proposed project, located on Benjamin Franklin Way within the Independence Park, consists of the construction of a new two-story building that will have a building footprint of 14,567 square feet and gross floor area of 36,250 square feet. The building will have two driveways on Ben Franklin Way. The applicant is proposing significant landscaping improvements, and will be preserving more than four acres of open space.

Natural Resources

NR1 The 7.3-acre project site is located in Significant Natural Resource Area (SNRA) according to the RPP maps due to its location within a public wellhead protection area. According to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas, the site is not located within mapped rare species habitat. No wetlands are located on the site.

NR2 In accordance with MPS 2.4.1.1, the applicant submitted a natural resources inventory (NRI) prepared by ENSR International. According to the NRI the primary habitat on site is pine-oak forest, with a community of herbaceous species, woody shrubs, and young pines along the road shoulder. The interior portion of the site has been cleared. The NRI notes that while the pine-oak woodland on site provides food, habitat and potential nesting sites for wildlife, these wildlife benefits have been diminished by the development patterns and land uses in the surrounding area.

NR3 The project is required to provide permanently protected open space at a 2:1 open space to development area ratio, due to its location within SNRA. According to the Open Space Plan dated December 21, 2005, the development area for the project is 2.14 acres (93,116 square feet), and the open space requirement is 4.28 acres (186,232 square feet). According to the open space plan, the Applicant proposes to provide 2.87 acres (125,191 square feet) of open space on site, consisting of 1.77 acres of "natural" open space and 1.11 acres of "revegetated" open space located around the perimeter of the site and abutting 90,000 square feet of open space ("Parcel B") that is proposed to be set aside for traffic mitigation purposes. According to a memo dated January 12, 2006, the applicant will address the remaining balance of the open space requirement (approximately 1.4 acres) by providing $250,000 to the Town of Barnstable for the purchase of off-site open space in Barnstable. In a letter dated February 1, 2006, the town indicated that a

$250,000 cash contribution is sufficient to purchase two acres of off-site open space and that it considers the excess contribution of 0.6 acres to be a project benefit. The provision of off-site open space or a cash contribution for the purchase of open space is appropriate, given the nature of the surrounding area.

Water Resources

WR1 The project is located in several sensitive water resource areas according to the RPP Water Resource Classification Maps, including a Wellhead Protection Area and a Marine Water Recharge Area.

WR2 The project will contribute approximately 2,700 gallons per day of wastewater to the Barnstable Water Pollution Control Facility, which flows to Lewis Bay. A critical nitrogen load for Lewis Bay has not yet been determined.

WR3 Nitrogen loading calculations have been provided, accounting for the nitrogen contribution from stormwater and fertilizer. The estimated nitrogen load is less than 1 ppm and is consistent with MPS 2.1.1.2.A.1, which requires that nitrogen loading in Wellhead Protection Areas be less than 5 ppm.

WR4 Stormwater will be disposed of on-site and is consistent with the stormwater goals and MPSs of the RPP. Clean roof runoff will be directly infiltrated into drywells. Runoff from the majority of paved surfaces will be directed to a vegetated swale with overflow to a subsurface leaching basin. An overflow weir for storms greater than a 100-year event is provided. An inspection and maintenance plan was submitted and is consistent with MPS 2.1.3.6. The plan includes language to minimize compaction of the soils during construction of the grassed detention basins and to periodically inspect the infiltration capacity of the basin.

Transportation

T1 Cape Cod Cooperative bank proposes to construct a 36,250 square foot bank operations center with general office space on Benjamin Franklin Way in Hyannis, MA. The proposed development would have two driveways on Benjamin Franklin Way, which is not a regional road as defined in the 2002 RPP. The project will be located in Independence Park, which is a certified growth center within the Town of Barnstable.

T2 The trip generation for this project is based on the Institute of Transportation Engineer (ITE) *Trip Generation* manual; the office building is estimated to generate 118 vehicle trips during the highest peak hour (the PM peak hour) and 594 daily vehicle trips. The traffic impacts from this project have been assessed in accordance with MPS 4.1.2.1, which provides *if a Development of Regional Impact meets the 25 percent trip reduction goal, then 25 percent of the site generated traffic can be subtracted from the anticipated traffic impact locations*. Based on MPS 4.1.2.1, after subtracting 25 percent of the site generated traffic, the project's peak hour traffic impacts are 89 afternoon peak hour trips. MPS 4.1.3.3 allows for a further reduction in peak hour traffic impacts of ten percent if a project is located within a certified growth center. Because the project is located within a

certified growth center, the project's peak hour impacts are estimated at 80 afternoon trips.

T3 MPS 4.1.1.2 requires all DRIs to analyze the potential safety impacts caused by the project at any known hazardous intersections where the project is expected to add 25 or more peak hour trips. It is anticipated that the development would generate more than 25 peak hour trips at only one regional intersection, Attucks Lane at Independence Drive. Based on the applicant's trip distribution, the intersection of Attucks Lane and Independence Drive would be impacted by 40 new vehicles trips during the afternoon peak hour. Based on previous studies, the intersection of Attucks Lane and Independence Drive is not a significant safety hazard. All other regional intersection would be impacted by less than 25 peak hour trips.

T4 MPS 4.1.1.7 requires all DRIs access/egress locations within public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. Based on the applicant's field observations, the stopping sight distances are adequate based on AASHTO and MHD standards.

T5 MPS 4.1.2.6 requires the amount of parking spaces allowed to be the minimum required by local zoning. The Town of Barnstable requires 126 parking spaces plus 5 handicap spaces to be provided on site and the site plan shows 126 parking spaces plus 6 handicap spaces.

T6 Regardless of project size, all DRIs are required to reduce site-generated traffic by 25 percent (MPS 4.1.2.1). The applicant has proposed a voluntary trip reduction plan that mitigates all daily traffic impacts from this proposed development. The applicant has proposed to a trip reduction plan that consists of an employee trip reduction plan and to place a permanent conservation restriction on a parcel of vacant developable land held by an appropriate conservation land trust. MPS 4.1.2.8 allows vacant developable land as an acceptable mitigation alternative. The applicant will provide a 90,000 square foot parcel of land ("Parcel B") identified as open space on the plan titled "Open Space Plan Prepared for Cape Cod Cooperative Bank" dated December 21, 2005 prepared by Holmes and McGrath. December 21, 2005 by Holmes and McGrath, Inc. The proponent has submitted a concept plan showing that the parcel is of sufficient size to be developable and the potential traffic generation from that parcel will offset 100 percent of the daily traffic for this development. The parcel of land (Parcel B) shall be protected as permanent open space and held under a conservation restriction in accordance with condition NR3.

T7 The Applicant has offered the following employee trip reduction strategies:

• Provide a secure bicycle storage rack on site to promote alternative methods of travel to/from the facility,

• Provide a bulletin board in a central location at the facility that provides all necessary information related to local transit routes and schedules, carpooling/ridesharing opportunities, and local taxi companies, and
• Designate an on-site Transportation Coordinator who will be responsible for maintaining the accuracy and supply of information made available to the staff in the bulletin board area.

Community Character

CC1 The proposed project is not located within an historic district or in close proximity to known historic resources. The applicant has submitted a Project Notification Form to the Massachusetts Historical Commission (MHC) to determine whether there are any archaeologically sensitive areas on the project site. On November 7, 2005, MHC determined that the project is unlikely to affect significant historic or archeological resources and is in compliance with MPS 6.1.3.

CC2 The proposed structure has a footprint of slightly less than 15,000 square feet, broken into two distinct rectangular masses with an octagonal entrance tower at their juncture. The design is consistent with MPS 6.2.5 that requires all new development to have a footprint of less than 15,000 square feet unless it is fully screened or located within a Growth Incentive Zone. Since the proposed structure exceeds a 10,000 square-foot footprint, however, the RPP requires that the building include a minimum of 10 feet of façade variation for every 50 feet of façade length. The length of the proposed structure is 184 feet, and it incorporates the required 40 feet of variation with one major setback between the two rectangular building massings. The required variation is also provided in the side facades through the large setback between building masses.

CC3 The applicant's project narrative notes that the building design is modern, with a flat roof on most of the building, a standing seam metal roof on the entrance tower, and exterior materials of red brick and glass. MPS 6.2.6 acknowledges that in industrial parks or other areas outside distinctive neighborhoods, nontraditional materials and forms may be appropriate. Given the project's location, the proposed materials are consistent with RPP standards. The applicant has agreed to use a matte finish on the metal roof material in order to limit its reflectivity.

CC4 MPS 6.2.1 states in part that *new development shall be located to preserve the distinctive boundary between village centers and less densely developed areas by focusing on redevelopment/reuse of existing structures or developed sites and on infill construction in designated Growth/Activity Centers (GAC) and Growth Incentive Zones (GIZ)*. The proposed project is located in a certified industrial growth center under the town of Barnstable's Local Comprehensive Plan. Town officials have indicated that the proposed use is appropriate for the GAC. Further, redevelopment of the existing bank operations center was infeasible due to the size of the lot as well as dimensional zoning limitations. The proposed project is therefore consistent with MPS 6.2.1.

CC5 MPS 6.2.7 requires in part that *parking be located to the side or rear of a building in order to promote traditional village design in commercial areas unless such location*

would have an adverse or detrimental impact on environmental or visual features on the site, or is infeasible. The majority of the parking is located to the side or rear of the building. The applicant was able to demonstrate that locating all of the parking to the side or rear of the building was infeasible due to Barnstable Fire Department regulations that require unobstructed access to all sides of the building

CC6 MPS 6.2.6 allows the *use of nontraditional materials and forms in industrial parks or areas not visible from scenic or regional roadways* provided the project maintains adequate buffers to ensure that the proposed development will not be visible from scenic or regional roadways. The applicant proposes to maintain significant buffers to screen the proposed building from Communications Way. The applicant submitted a revised planting plan dated February 8, 2006 that includes a 50'- 60' mounded buffer from Ben Franklin Way with a mixture of evergreen and deciduous tress and shrubs. This buffer planting will provide adequate buffers from this roadway.

CC7 MPS 6.2.9 requires all development to implement a landscape plan that *addresses the functional aspects of landscaping, and requires all development to provide a maintenance agreement for all proposed landscaping*. The proposed landscape plan includes revegetation of slopes to be regraded as a result of site development and a vegetated swale for site drainage. Based on a revised planting plan dated February 8, 2006, the proposed planting plan is consistent with MPS 6.2.9. The applicant submitted a draft maintenance agreement on January 31, 2006 for all proposed landscaping for three years, which meets MPS 6.2.9.

CC8 MPS 6.2.11 prohibits the installation of internally illuminated signs. The applicant has not submitted any information on proposed signage, but has agreed that any signage will be consistent with this MPS.

<u>Exterior Lighting</u>

EL1 MPS 6.2.10 requires that *exterior lighting in new development or redevelopment shall comply with standards including design, light source, total light cutoff, and foot-candle levels defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001*. A photometric site plan drawn by DRL Architects dated January 6, 2006 was submitted to the Commission.

<u>Noise</u>

N1 The project site is in a developed commercial area and the project should not add to the surrounding baseline noise level. Common noise sources for this type of project include construction equipment and the building's mechanical devices and any emergency generator. The Applicant needs to address these noise sources through administrative controls (time-of-day work limits) or engineering solutions (silencers, low-noise components, etc.). Consideration should also be given to incorporating sound-deadening treatments into the proposed new building, to shield employees and visitors from surrounding noise sources.

Hazardous Materials

HM1 The project is located in several sensitive water resource areas according to the 2002 (revised) RPP, including a Wellhead Protection Area. MPS 4.3.1.3 limits use, treatment, generation, storage, or disposal of hazardous wastes or hazardous materials to a *household quantity*, or 25 gallons or less at any time. The Site Plan Review application indicates natural gas is available to the site, and the project narrative states natural gas will be used for building heating.

HM2 In a letter dated October 28, 2005, the applicant submitted a description of hazardous materials attributable to on-site grounds and building maintenance. The project's proposed cleaning supplies and any latex paints are not considered hazardous materials according to the 2002 RPP. Use of latex paint will reduce the project's liquid hazardous materials to 6 gallons of petroleum products (gasoline and oil) used for landscape maintenance.

HM3 MPS 4.3.1.2 requires *development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.* It also requires that applicants *submit a plan to demonstrate how their project will achieve conformance with this standard.* During the Commission's review, the applicant did not account for hazardous wastes generated from the site – by the bank and tenants - once the facility is in operation. The project narrative states that site leases are still under consideration, so other than the bank, the final tenants are not presently known. However, Commission review of past bank projects indicate the site will generate hazardous wastes such as fluorescent bulbs, used computers and cathode ray tubes, regardless of the final tenancy.

HM4 MPS 4.3.1.1 requires that *development and redevelopment shall make reasonable efforts to minimize their hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling*. Applicants are also required to submit a plan to demonstrate how their project will achieve conformance with this standard. The project's final tenants are not known at the time of this decision. To be consistent with MPS 4.3.1.1, the applicant will need to develop a plan to minimize the site's hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling.

HM5 The applicant will need to prepare an emergency response plan to address the requirements of MPS 4.3.1.4.

Economic Development

ED1 MPS 3.1.1 states *"Commercial/Industrial Developments of Regional Impact applicants shall be responsible for providing economic data. The Commission will evaluate the economic impacts of proposed developments, taking into account net job creation, fiscal impact, employee benefits, housing needs, and services and/or products provided. The Commission will consider any negative or positive impacts that a project may have on the Cape Cod economy.* The applicant has generally complied with MPS 3.1.1, providing most of the information required in the Economic Development Technical Bulletin (04-002). All the information provided by the applicant is available for review in the project

file. Analysis of the information provided indicates that the net economic impact in terms of jobs will be neutral. The project will result in a net increase in property tax revenue to the Town of Barnstable.

ED2 The project is consistent with the following Other Development Review Policies under Goal 3.1:

- *DRP 3.1.3* (*Encourage businesses that are locally-owned and that employ Cape Cod Residents*),
- *DRP 3.1.4* (*Encourage office & technology businesses to locate in growth centers*), and
- *DRP 3.1.5* (*Encourage activities that create livable-wage jobs, high-value knowledge-based sectors, or involve traditional resource-based or cultural sectors*)

ED3 The project is in conflict with DRP 3.1.8 (*Encourage the reuse and rehabilitation of existing buildings*).

ED4 Minimum Performance Standard 3.2.2 states "*If an applicant does not propose to locate in a Growth/Activity Center or Growth Incentive Zone, the applicant shall justify why an alternative site in a Growth/Activity Center or Growth Incentive Zone was not selected"*. The project is located in a growth center and therefore complies with MPS 3.2.1 and is consistent with DRP 3.2.3 (*Development should be concentrated in growth centers*).

ED5 The project does little to advance the goals of DRP 3.2.4 (*Preserve village centers*) or DRP 3.2.6 (*Concentrate manufacturing and warehousing activities in industrial areas*) given that it proposes office uses, appropriate for a downtown center, in an industrial park, appropriate for industrial uses. The project is in conflict with DRP 3.2.7 (*Encourage redesign, revitalization, and in-fill of existing strip developments*).

ED6 The project is consistent with the following Other Development Review Standards under Goal 3.3:

- DRP 3.3.1 (*Projects should provide permanent, well-paying year-round jobs with benefits, training, and career opportunities),*
- DRP 3.3.2 (*Confer benefit to projects providing financial support for job training or affordable housing benefits to their workers*), and
- DRP 3.3.4 (*Encourage projects to hire minority and women contractors and employ minorities, disabled, elderly, unemployed and underemployed in permanent positions*)

Energy

E1 The applicant will meet with representatives of the Cape Light Compact to discuss energy saving strategies for the construction and post-construction phases of the development.

CONCLUSION

Based on the findings above, the Commission hereby concludes:

1 The project meets the applicable Minimum Performance Standards of the 2002 RPP.

2 Provided that the Applicant obtains all required permits and site plan review approval from the Town of Barnstable, the Project is consistent with the Town's development regulations.

3 The proposed Project complies with the Barnstable Local Comprehensive Plan, which has been certified by the Cape Cod Commission.

4 The project is located within a District of Critical Planning Concern (DCPC). However, the DCPC is not applicable to this project.

5 The benefits of the proposed project outweigh the detriments resulting from development. As proposed, the project will result in a $250,00 cash contribution that exceeds the required amount for off-site open space (Finding NR3), and a 100 percent reduction in daily site-generated traffic (Finding T6).

6 The Commission hereby approves with conditions the application of the Cape Cod Co-operative Bank for the Cape Cod Co-operative Bank Operations Center Project as a Development of Regional Impact, provided the following conditions are met:

GENERAL CONDITIONS

GC1 The proposed Cape Cod Co-operative Bank Operations Center Project shall be constructed in accordance with the following final plans:

- Site Plan prepared by Holmes and McGrath (Sheets 1-5) dated October 18, 2005 and received by staff December 14, 2005
- Building elevations prepared by DRL Architects received by staff on December 14, 2005
- Building plans prepared by DRL Architects (sheets A1-A4 and roof plan) received by staff December 14, 2005
- Parcel "B" Open Space Site Plan prepared by Holmes and McGrath (Sheet 1 of 1) dated November 23, 2005 and received by staff December 14, 2005
- Open Space Site Plan prepared by Holmes and McGrath dated December 21, 2005 and received by staff December 22, 2005
- Photometric Site Plan prepared by DRL Architects (Sheet SE-1) received by staff January 10, 2006
- Planting plan prepared by DRL Architects (Sheet L-1) dated February 8, 2006

GC2 This DRI decision is valid for 7 years. Local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

GC3 Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

GC4 The Applicant shall obtain all necessary Federal, state and local permits for the proposed Project.

GC5 No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed, or if such an appeal has been filed, until all judicial proceedings have been completed.

GC6 Prior to issuance of a building permit for any phase of proposed construction, the Applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with this decision and/or information submitted as part of the DRI review. If the final plans approved by local boards are inconsistent with this decision and/or supporting information, then they shall be reviewed subject to Section 12 of the Cape Cod Commission Administrative Regulations, Modifications to Approved Projects, as amended.

GC7 Prior to issuance of a building permit for any phase of construction, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states all conditions in this decision pertaining to issuance of a building permit have been met.

GC8 Prior to receiving a temporary or Final Certificate of Occupancy from the Town of Barnstable, the Applicant shall obtain a Final Certificate of Compliance from the Commission.

GC9 The Applicant shall be responsible for providing proof of recording of the Decision prior to issuance of a Preliminary Certificate of Compliance.

GC10 The Applicant shall demonstrate that a copy of this decision has been provided to the general contractor prior to the start of construction.

Water Resources

WR1 In accordance with MPS 2.1.1.C.2, the applicant will need to provide a one time monetary contribution of $405.00 towards the development or implementation of appropriate nitrogen management strategies. The amount is based on $0.15 per gallon of daily wastewater flow.

WR2 Inspection of the storm water system shall be conducted shortly after construction is completed to assure that all drainage components are functioning as designed. Thereafter, inspection shall take place annually, with a prompt response for any repairs or cleaning that is needed.

Natural Resources

NR1 In accordance with Finding NR3, prior to the issuance of a preliminary Certificate of Compliance, the Applicants shall submit for Commission staff review and approval a draft conservation restriction (CR) for the open space areas as shown on the Open Space Plan submitted by Holmes and McGrath dated December 21, 2005. The grantee shall be identified in this draft CR. An accompanying plan shall also be submitted for review and approval.

NR2 The applicant shall contribute $250,000 to the Barnstable County Treasury for the Town of Barnstable fund for open space acquisition prior to the issuance of a preliminary Certificate of Compliance.

NR3 In accordance with Finding NR3, prior to the issuance of a final Certificate of Compliance, the Applicant shall provide to the Cape Cod Commission a conservation restriction consistent with Massachusetts General Laws Chapter 184, § 31 – 33 and accompanying plan which provides that 215,191 square feet (which includes the 125,191 square foot Parcel A and the 90,000 square foot traffic mitigation Parcel B) identified as open space on the plan titled "Open Space Plan Prepared for Cape Cod Cooperative Bank" dated December 21, 2005 prepared by Holmes and McGrath shall be preserved as permanent open space. The restriction and site plan shall be approved by Commission counsel, executed and recorded at the Registry of Deeds or Registry District of the Land Court, and proof of recording shall be provided to the Commission prior to issuance of a final Certificate of Compliance.

NR4 Prior to receipt of a Final Certificate of Compliance, the Applicant shall clearly mark the boundaries of the open space land area (as identified on the open space plan submitted by Holmes and McGrath, Inc. and dated December 21, 2005) with surveyed concrete bounds.

Transportation

T1 Prior to receiving a Final Certificate of Compliance, the applicant shall place a permanent conservation restriction on a parcel of vacant developable land of approximately 2.07 acres (90,000 square feet), off Communications Way in Hyannis held by an appropriate conservation land trust or the Town of Barnstable as outlined in Condition NR2. The proposed parcel (identified as Parcel B) is shown on a plan titled "Site Plan" prepared Cape Cod Co-operative Bank in Barnstable, MA dated November 23, 2005 by Holmes and McGrath, Inc.

T2 Prior to receiving a final Certificate of Compliance, the applicant shall implement and maintain the following trip reduction plan:

• Provide a secure bicycle storage rack on site to promote alternative methods of travel to/from the facility,

• Provide a bulletin board in a central location at the facility that provides all necessary information related to local transit routes and schedules, carpooling/ridesharing opportunities, and local taxi companies, and

• Designate an on-site transportation coordinator who will be responsible for maintaining the accuracy and supply of information made available to the staff in the bulletin board area.

Community Character

CC1 Prior to either the submission of a Building Permit application to the Town of Barnstable or requesting a preliminary Certificate of Compliance from the Commission, the applicant shall submit final site plans and elevation drawings (final working drawings) for approval by Commission staff. The final plans shall be consistent with plans

approved by the Commission, developed and submitted by DRL Associates, Inc., and dated 12-8-05.

CC2 Existing wooded buffers on the project site shall remain in their natural state without alteration. Except as otherwise shown on the plans filed with the Commission, the existing wooded buffers on the project site shall remain in this natural stated without alteration.

CC3 Prior to issuance of a final Certificate of Compliance from the Commission, the applicant shall provide to Commission staff a fully executed landscape maintenance contract for three full growing seasons. A growing season is defined as the period between March 15th and October 31st.

CC4 Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

CC5 If all required site work and/or landscape improvements are not complete at the time a final Certificate of Compliance is sought from the Commission, any work that is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150 percent of the cost of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The check shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the applicant, with interest, upon completion of the required work. All site work and/or landscape improvements shall be completed within six (6) months of issuance of a final Certificate of Compliance from the Commission.

CC6 Prior to issuance of a preliminary Certificate of Compliance, the applicant shall submit plans for any proposed building or pylon signs for staff approval to ensure their consistency with MPS 6.2.11. Plans shall include proposed materials, method of illumination and dimensions.

Exterior Lighting

EL1 All exterior lighting for the project shall conform to the requirements of MPS 6.2.10 and Technical Bulletin 95-001. Prior to commencement of construction, prior to issuance of a Building Permit, and prior to issuance by the Commission of a Preliminary Certificate of Compliance, the Applicant shall submit for Commission staff review and approval information on the exterior lights described in Technical Bulletin 95-001. This information shall include but not be limited to proposed lighting technical cut sheets, manufacturers' information and a revised foot-candle plan.

EL2 Should unexpected conditions arise during project construction that require adjustments to site exterior lighting fixtures, including substitutions of fixture heads, the Applicant shall obtain approval from Commission staff prior to their installation and/or use

consistent with Section 12 of the Commission's *Enabling Regulations*. Modifications to the project's exterior lighting design made during renovation that are in accordance with the Commission-approved lighting information shall be considered as Minor Modifications #1 and may be approved by Commission staff.

EL3 Prior to issuance of a Final Certificate of Compliance by the Commission, and prior to issuance of a Certificate of Use/Occupancy, Commission staff shall conduct a site visit to verify conformance of the exterior lighting design with MPS 6.2.7, Technical Bulletin 95-001 and exterior lighting conditions of this decision.

Noise

N1 Prior to commencement of construction, prior to issuance of a Building Permit, and prior to issuance by the Commission of a Preliminary Certificate of Compliance, the Applicant shall submit for the Commission's files a copy of a protocol which addresses the issues of noise complaints resulting from construction activities, the building's mechanical devices and any emergency generator.

Hazardous Materials

HM1 Prior to the issuance by the Commission of a Final Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff copies of site leases to ensure their consistency with the requirements and limitations of MPS 4.3.1.3 of the 2002 (revised) RPP. Unless and until the Commission staff issues a written approval of site leases (which said approval shall not be unreasonably withheld), no Final Certificate of Compliance may be issued.

HM2 Prior to commencement of any construction activities, the issuance of a Building Permit, and the issuance by the Commission of a Preliminary Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff a copy of a plan to address proper hazardous materials and hazardous waste management from construction activities, to ensure the project's conformance with the requirements of MPS 4.3.1.2 of the 2002 (revised) RPP. Unless and until the Commission staff issues a written approval of said plan (which said approval shall not be unreasonably withheld), no Preliminary Certificate of Compliance may be issued.

HM3 Prior to issuance of a Certificate of Use/Occupancy, and prior to issuance by the Commission of a Final Certificate of Compliance, the Applicant shall submit for review and approval by Commission staff a copy of a plan to address proper hazardous waste generation/disposal once the site is in operation, to ensure consistency with the requirements of MPS 4.3.1.1 of the 2002 (revised) RPP and Technical Bulletin 03-001. Unless and until the Commission staff issues a written approval of said plan (which said approval shall not be unreasonably withheld), no Final Certificate of Compliance may be issued.

HM4 No more than 25 gallons or its dry weight equivalent of hazardous materials and hazardous wastes, combined, may be used, treated, generated, stored, or disposed of at the site at any given time.

HM5 Building heating, cooling and emergency power generation (if any) shall be limited to natural gas or compressed gas fuels.

Energy

E1 Prior to the issuance of the preliminary Certificate of Compliance, the applicant shall meet with the Cape Light Compact to consider utilizing the Compact's commercial energy efficiency programs for high efficiency lighting and/or motors to be installed in the Operations Center.

The Cape Cod Commission hereby approves with conditions the application of the Cape Cod Co-operative Bank as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Cape Cod Co-operative Bank Operations Center Project in Barnstable, Massachusetts.

_____ _____

Brad Crowell, Chairperson Date

Barnstable, ss.

On this _____day of _____, 2006, before me personally

appeared

_____, to be known to be the person described in and who executed the

foregoing instrument, and acknowledged that _____ executed the same as _____
_____

free act and deed.

_____

Notary Public
My Commission expires: