CAPE COD COMMISSION

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Date: January 22, 2009

To: Michael Princi, Esq.
Wynn & Wynn, P.C.
300 Barnstable Road
Hyannis, MA 02601

From: Cape Cod Commission

RE: Development of Regional Impact Hardship Exemption
Cape Cod Commission Act, Section 23

Applicant/
Owner: Perseverance, LLC
297 North Street
Hyannis, MA 02601

Project: Excel Switching Corp Corporate Facilities
Perseverance Way and Gonsalves Avenue
Hyannis, MA

Project #: HDEX #08020

Book/Page: Book 14739 Page 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the "Commission") hereby approves with conditions the Hardship Exemption application of Perseverance, LLC (the "Applicant") for two proposed office buildings on the Excel Switching Corp Corporate Campus at Perseverance Way and Gonsalves Avenue in Hyannis (Barnstable), MA pursuant to Section 23 of the Cape Cod Commission Act (the "Act"), c. 716 of the Acts of 1989, as amended. The decision is rendered pursuant to a vote of the Commission on January 22, 2009.

PROJECT DESCRIPTION

The subject property situated on Perseverance Way and Gonsalves Avenue in Hyannis, MA is identified by Barnstable Assessor's records as Map 295, Parcel 4, Parcel Extensions 2 and 4, and consists of approximately 8.76 acres (the "Site"). The Site has been owned by Perseverance, LLC since January 2002. The Site is situated within the Excel Switching Corp Corporate Campus, which totals 19.59 acres of land and is comprised of three existing office buildings at 45-75, 60 and 70 Perseverance Way. The Applicant has described the project as the construction of two, approximately 32,000-square foot (s.f.), two-story, office buildings, as well as 84 additional parking spaces (paved and gravel), rain gardens, and landscaping. The site plans show the proposed construction of two 29,572 s.f. buildings. The buildings will connect to the municipal water and sewerage systems.

PROCEDURAL HISTORY

The Applicant submitted a Development of Regional Impact (DRI) Hardship Exemption application on September 12, 2008. On November 19, 2008, a duly noticed public hearing was conducted by an authorized subcommittee of the Commission pursuant to Section 5 of the Act. Subcommittee meetings were held on December 18, 2008, January 5, 2009 and January 14, 2009. On January 14, 2009, the subcommittee voted unanimously to recommend to the full Commission that the Hardship Exemption application be approved with conditions. A final public hearing was held before the full Commission on January 22, 2009, where the Commission voted unanimously to approve the Hardship Exemption, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

In addition to the list of materials submitted for the record (see Table 1 below), the application and notices of public hearings relative thereto, correspondence, the minutes of public meetings and hearings, and all other writings contained in the DRI file are hereby incorporated into the record by reference.

TABLE 1: Materials Submitted for the Record

Materials From the Applicant	***Date Submitted***
Hardship/Modification application materials, documents & agenda submitted by M. Princi to Commission staff	9/4/08
Email from D. Kyle to A. Adams re: exterior lighting information	9/5/08
Memorandum from W. Carlson to G. Cannon w/ attached trip generation and parking data	9/8/09
Memorandum from D. Kyle to K. Senatori re: attached abutters list	9/22/08
Email from M. Princi to K. Senatori re: meeting	9/26/08
Email from M. Princi to K. Senatori re: meeting material	9/26/08
Email from M. Princi to K. Senatori: re supplemental material	10/7/08
Amended Statement and application from M. Princi to K. Senatori	10/16/08
Email from M. Princi to K. Senatori re: meeting dates	10/22/08
Email from M. Prinici to K. Senatori re: missing information	10/23/08

Memorandum with attached drainage calculations & stormwater O&M plan from D. Ojala to K. Senatori	10/27/08
Email from D. Kyle to K. Senatori re: lighting plans	10/27/08
Email from D. Kyle to K. Senatori, A. Adams re: attached photometric lighting plan	10/28/08
Email from D. Kyle to A. Adams re: exterior lighting information	10/29/08
Email from D. Kyle to K. Senatori re: water information complete	10/29/08
Memorandum and revised drainage calculations & plan from D. Ojala to K. Senatori	10/30/08
Email from D. Ojala to K. Senatori with attached plans	10/30/08
Email from D. Kyle to K. Senatori re: completed app. confirmation	10/31/08
DRI Application & Hardship Exemption application with revised drainage, lighting, and hazardous mtrls info. Submitted by hand from D. Kyle to K. Senatori	11/5/08
Email from D. Kyle to K. Senatori re: site visit	11/7/08
Email from D. Kyle to K. Senatori re: site visit date	11/10/08
Email from D. Kyle to K. Senatori re: site visit meeting place	11/12/08
Concept photos of proposed building submitted by hand from D. Ojala to K. Senatori	11/17/08
Memorandum and attached landscape site plans from D. Ojala to K. Senatori	11/18/08
Email from D. Ojala to K. Senatori re: Gonsalves sidewalk waiver	11/18/08
Email from D. Sanford to K. Senatori re: copies of drawings	11/18/08
Email from C. Sanford to K. Senatori re: H H Richardson building and masonry building photos	11/21/08
Email from A. Stein to P. Dascombe, K. Senatori, J. Buntich re: perseverance building design	11/24/08
Email from D. Ojala to K. Senatori re: perseverance stormwater bioretention and rain garden o&m plan modifications	11/26/08
Memorandum with revised site plans from D. Ojala to K. Senatori	12/4/08
Leed registered project checklist submitted by hand from S. Bornstein to K. Senatori	12/5/08
Concept Elevation drawings submitted by hand from D. Sanford to K. Senatori	12/5/08
Landscape Management Plan submitted by hand from D. Ojala to K. Senatori	12/5/08
Memorandum from M. Princi to K. Senatori with supplemental statement and additional exhibits	12/5/08
Revised landscape site plans from D. Ojala to K. Senatori	12/10/08
Email from D. Sanford to P. Dascombe re: attached revised C6 and C16 plans	12/15/08
Email from D. Sanford to P. Dascombe re: attached revised C17 and C18 plants	12/16/08
Email from D. Sanford to P. Dascombe re: parapet height, attached	12/16/08

plans	
Email from D. Kyle to K. Senatori re: Indep. Park approval letter for subcommittee	12/17/08
Concept elevation drawings submitted by hand from D. Sanford to K. Senatori	12/18/08
Email from D. Ojala to K. Senatori re: perseverance landscaping	12/24/08
Email from D. Ojala to K. Senatori re: tower template	12/24/08
Email from D. Ojala to K. Senatori re: fire chief questions	12/24/08
Email from D. Ojala to K. Senatori re: perseverance crosswalk for attucks with attached plan	12/29/08
Email from D. Ojala to K. Senatori, G. Cannon, J. Buntich, M. Princi, D. Kyle re: perseverance crosswalk for attucks	12/30/08
Second Supplemental Statement from M. Princi to K. Senatori	12/30/08
Emails from D. Ojala to K. Senatori with attached plans	1/9/09
Email from D. Sanford to K. Senatori re: draft decision	1/12/09
Emails from M. Princi to K. Senatori re: materials for mailing, draft decision	1/12/09
Emails from D. Sanford to K. Senatori re: unable to open draft decision	1/12/09
Email from A. Garulay to K. Senatori re: landscaping	1/13/09
Selected elevations and plans submitted by hand from D. Sanford to K. Senatori	1/13/09
Materials from Commission Staff	***Date Submitted***
Letter from A. Adams to J. Buntich re: past Excel project information	7/18/08
Fax from K. Senatori to M. Princi re: 1999 Excel modification decison	9/3/08
Memorandum from K. Senatori to A. Adams, J. Wielgus, G. Cannon, T. Cambareri, P. Dascombe, M. Princi, S. Bornstein, J. Buntich re: perseverance meeting on 9/4/08	9/9/08
Email from K. Senatori to M. Princi, D. Kyle, J. Buntich re: HDEX waiver fee request	9/23/08
Letter from K. Senatori to M. Princi re: incomplete HDEX application	9/24/08
Email from K. Senatori to M. Princi re: Exec. Comm. Meeting	9/26/08
Email from K. Senatori to M. Princi re: meeting material	9/26/08
Email from K. Senatori to M. Princi re: additional information	10/6/08
Email from K. Senatori to M. Princi re: fee waiver request agenda item	10/20/08
Email from K. Senatori to M. Princi re: additional lighting information	10/22/08
Email from K. Senatori to M. Princi re: missing information	10/22/08
Email from K. Senatori to M. Princi re: public hearing date	10/23/08
Email from K. Senatori to D. Kyle re: missing lighting information	10/27/08
Email from K. Senatori to D. Kyle re: drainage plans	10/28/08
Email from A. Adams to D. Kyle re: exterior lighting information	10/28/08
Email from A. Adams to D. Kyle re: can't open email attachment	10/28/08
Email from K. Senatori to D. Kyle re: hearing dates	10/29/08
Email from K. Senatori to D. Kyle, M. Prinici re: application complete	10/31/08

Email from K. Senatori to R. Hamman, R. Richardson, F. Seldin, F. Hogan, R. Putnam, L. Cakounes, E. Virgilio re: public hearing, subcommittee members	10/31/08
Email from K. Senatori to D. Kyle re: plan copies	11/5/08
Email from K. Senatori to M. Princi, D. Kyle re: elevation plans	11/5/08
Email from K. Senatori to M. Princi, D. Kyle re: site visit	11/7/08
Email from K. Senatori to D. Kyle re: site visit time	11/10/08
Staff report was prepared.	11/12/08
Email from K. Senatori to M. Princi re: attached staff report	11/14/08
Email from K. Senatori to J. Buntich re: attached staff report	11/14/08
Email from K. Senatori to R. Crosby re: attached staff report	11/17/08
Email from K. Senatori to A. Brigham re: attached staff report	11/17/08
Email from M. LeBlanc (commission consultant) to D. Ojala re: revised landscape plan	11/21/08
Email from P. Dascombe to D. Sanford, D. Kyle re: building design comments	12/15/08
Email from K. Senatori to M. Princi, P. Dascombe, D. Kyle re: subcommittee meeting date	12/15/08
Email from P. Dascombe to D. Sanford re: Design comments	12/16/08
Email from K. Senatori to R. Crosby re: excel meeting information	12/17/08
Email from K. Senatori to D. Sanford re: revised drawings	12/18/08
Email from K. Senatori to D. Ojala re: follow up with Mary LeBlanc	12/22/08
Email from K. Senatori to M. Princi, D. Sanford, D. Ojala, D. Kyle re: subcommittee mtng reminder	12/22/08
Email from K. Senatori to D. Ojala re: follow up with fire chief	12/23/08
Email from K. Senatori to G. Cannon, J. Buntich re: attached revised crosswalk plans	12/29/08
Fax from K. Senatori to R. Crosby re: attached subcommittee minutes from 12/18/08	12/31/08
Email from K. Senatori to J. Buntich re: large scale plans	12/31/08
Email from K. Senatori to J. Buntich, G. Cannon, R. Crosby, M. Princi, D. Kyle, D. Ojala, D. Sanford, S. Bornstein re: attached additional materials sent to subcommittee	12/31/08
Email from K. Senatori to J. Buntich re: consistent with local zoning bylaws, LCP	1/9/09
Emails from K. Senatori to D. Ojala requesting electronic plans	1/9/09
Email from K. Senatori to D. Sanford requesting electronic plans	1/9/09
Email from K. Senatori to J. Buntich with attached sidewalk plan	1/9/09
Email from K. Senatori to M. Princi, S. Bornstein, D. Kyle, J. Buntich, R. Crosby with draft decision	1/12/09
Email from K. Senatori to M. Princi, S. Bornstein, D. Kyle, J. Buntich, R. Crosby with additional language for draft decision	1/12/09
Emails from K. Senatori to M. Princi re: materials for mailing	1/12/09
Email from K. Senatori to D. Ojala requesting plans	1/14/09

Materials from Town of Barnstable	*Date Received*
Email from J. Buntich to G. Cannon re: LCP and project area	8/1/08
Email from J. Buntich to K. Senatori re: public hearing attendance	11/3/08
Letter from Fire Chief Robert Crosby to Commission re: project concerns	11/18/08
Email from J. Buntich to K. Senatori re: town comments	11/20/08
Email from J. Buntich to K. Senatori, G. Cannon, P. Dascombe, P. Daley re: town's concerns with project	12/11/08
Email from J. Buntich to K. Senatori, G. Cannon, M. Princi, D. Kyle, D. Ojala re: large scale plans	12/30/08
Email from J. Buntich to D. Ojala, G. Cannon, K. Senatori, M. Princi, D. Kyle re: crosswalk for attucks	12/30/08
Email from J. Buntich to K. Senatori, G. Cannon re: crosswalk site	12/30/08
Materials from Others	***Date Received***
Letter from M. Lastella to K. Senatori re: parapets solar panel interference	12/4/08

TESTIMONY

A public hearing was held on November 19, 2008 at 6:00 pm. Attorney Michael Princi of Wynn & Wynn, PC presented on behalf of Perseverance LLC. He noted there was a previous DRI review for the Excel campus in 1998. Attorney Princi described the 1998 Excel DRI and stated that the DRI indicated the campus would be a total of 250,000 s.f. He noted that the Applicant purchased the site in 2002 for $14 million and his purchase included development rights. He stated Mr. Bornstein was unaware that the DRI would lapse in 2005, notwithstanding several informal meetings with Commission staff about the Excel campus. Mr. Princi also argued that it would be a financial hardship if the Applicant was not required to file a new DRI, given the amount the Applicant paid. Mr. Princi discussed the project site including the retention basin, parking, location of buildings, use of buildings, and mitigation. He further stated Mr. Bornstein's intent to construct "green" buildings, with among other things, solar panels. Attorney Princi noted that he and the Applicant met with staff earlier in the week to discuss issues in the staff report. He noted that the landscape plan has changed and that some of the community character issues are subjective. He stated the Applicant intends to construct the buildings in two phases; the first phase will be the southerly building and the second phase will be the northerly building, which will be constructed once tenants are determined. He stated the Applicant's intent to have state and county offices occupy the buildings.

Mr. Dan Ojala of DownCape Engineering, the Applicant's engineer, presented plans illustrating the site, surroundings, landscaping, and parking on behalf of the Applicant. Mr. Ojala noted the intent to keep the gravel parking area to the north of the northerly building in reserves and make it a grass area until a later date if it was determined that more parking was needed. Attorney Princi suggested this be a condition to the decision. Mr. Ojala noted the landscaping plans were revised in order to accommodate some of Mary LeBlanc's comments.

Mr. Doug Sanford of Douglas Sanford Associates, Inc., the Applicant's architect, presented plans of the proposed buildings and photographs of buildings that in his opinion are of a similar design to the buildings he has proposed. Attorney Princi refers the subcommittee to Appendices J&K of the application materials. Mr. Sanford noted that he was the architect for the other buildings on the Excel campus. He further stated his opinion that he strongly recommends against differentiating the segments of the building. He showed revised plans that raised the parapet of the building to screen rooftop HVAC equipment.

Mr. Stuart Bornstein stated that his proposal is for the first "real green" buildings on Cape Cod. He indicated his buildings would have solar panels in the roof, two-stage flush toilets, recycled rugs, low-VOC paints, and occupancy sensors among other "green" ideas. He also stated there would be plug-ins for electric cars, elevators providing electricity to the grid, and green cleaning supplies. He noted that the state requires 25% "green" if the state rents space in the buildings. He stated his estimation that the "green features" will likely add 11-15% to the total cost of the building, but that he was committed to providing "green buildings."

Attorney Princi concluded by presenting the mitigation issues, relying in part from the previous DRI and the mitigation paid in 1998. He noted that the Town, the Commission and the Applicant needed to document how much was previously paid for transportation mitigation. He stated that 42,000 s.f. of development was approved as part of the previous DRI decision and was not built, although mitigation had been calculated and paid in part at that time. He noted that there is significant infrastructure in place. He stated that based on the net new 22,000 s.f. of development, that the transportation mitigation should be approximately $73,000. He stated the Applicant will commit to no more building on the property and requested that the subcommittee consider the hardship exemption request.

Ms. Kristy Senatori presented the staff report in a Power Point presentation. Ms. Senatori described the existing setting pointing out Perseverance Way, Attucks Lane, Independence Drive, Gonsalves Way, the Site, Home Depot, and the future Cape Cod Healthcare ambulatory care center and gravel pit. She noted that the site is 19.59 acres known as the Excel Switching Corporation Corporate Campus. She stated that three office buildings are currently on-site, the western portion of Site is cleared and is area of proposed development, and a Bioretention basin in northwestern portion of site is under construction. She walked the subcommittee through the project history noting that a DRI Decision rendered in December 1997 approved construction of a 46,000-square foot building known as the Auburn Wire building. A DRI decision rendered in June 1998 approved construction of 99,000 square feet of gross floor area in two buildings - one approx. 57,000-s.f. building was constructed, and one approx. 42,000-s.f. building was approved but was not constructed and the DRI expired in 2005.

Ms. Senatori stated that the proposed project qualifies as a DRI as new construction of buildings with a Gross Floor Area greater than 10,000 square feet. She noted that the Applicant applied for a Hardship Exemption and that the Commission may grant an Exemption where it finds that: a literal enforcement of the provisions of the Act would involve substantial hardship, financial or otherwise; and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act. She

further stated that any relief granted from the requirements of the Minimum Performance Standards shall relate directly to the nature of the identified hardship and shall be the minimum relief necessary to address the hardship, and that the burden shall be on the Applicant to show that a hardship exists.

Ms. Senatori noted that the purpose of the hearing is to consider the Hardship Exemption Application and that the Applicant requests that mitigation provided in the previous DRIs be considered; the Applicant requests relief from traffic study requirements; and the Applicant may request relief from other requirements identified in the staff report.

Ms. Senatori lead the subcommittee through the staff's analysis in the RPP issue areas of community character, transportation, water resources, natural resources, open space, and hazardous materials and waste.

Ms. Senatori concluded that with additional information and revisions in the areas of community character, hazardous materials and waste and water resources, staff believes the Applicant can meet the applicable Minimum Performance Standards. She further concluded that the Applicant is requesting relief from the traffic study requirements and a transportation mitigation credit.

Ms. Seldin questioned the transportation mitigation costs. Mr. Glenn Cannon explained how the numbers were derived and that the Applicant is seeking a credit for the 42,000 s.f. building for which mitigation was partially paid as part of the 1998 Excel campus DRI.

Mr. Crowell questioned the rationale behind the hardship exemption request and expressed concern the committee was being too generous in waiving the traffic study and open space requirements. Ms. Senatori explained that the same DRI was done for the same parcels of land and open space was already provided for the parcels of land in question. In regards to transportation she explained that it is known a portion of the mitigation was provided- more than would be required the 57,000 square feet building.

Mr. Crowell asked how the commission staff feels about forgoing the traffic study. Mr. Cannon answered he feels fairly comfortable with forgoing the traffic study, as there has already been a lot of traffic information collected in that area and the commission wouldn't gain knowledge from it.

Subcommittee members had questions regarding the trip reduction plan requirement, parking requirements, architecture style, landscaping, and sidewalks.

Chief Crosby provided a copy of a comment letter detailing his concerns of overdevelopment and site access. He expressed support for rear access to the site and opposed not fully constructing Gonsalves Road. He expressed concern about people leaving the Applicant's property since as it is proposed they will come out on Gonsalves Road and take a left hand turn. Currently there is no proposal for a light at Gonsalves Road and Attucks Lane. He said the intersection needs to be developed and this issue needs to be dealt with. He stated the town has an issue with the distance between the two signals, which needs to be looked at whether it needs

traffic lights or a no left turn sign. He stated his opinion that the mitigation money be used to solve that issue.

Chief Crosby noted that the parking lot 'tree islands' were not on the plan he was given. He stated that the radii might not be adequate to allow fire truck access, as tractor-trailers can bend/turn in middle and fire trucks cannot. He stated he would like more time to review this newly proposed plan. He noted that the applicant's project is not in an office space but more of a medical services district and has concerns about the intersection becoming overburdened with development due to Excel and Cape Cod Healthcare. He stated his desire to maintain access to Gonsalves Road, which provides access in and out of the facility and would like to require complete build out.

Ms. Jo Anne Miller Buntich noted the Applicant's intended use of the building in the proposed location is ideal. She agreed the transportation infrastructure could handle the development with the adjustments previously mentioned. She noted the towns concern that the accounting of mitigations is exact and careful. Ms. Buntich said she would like to see redevelopment of the building in a way that's something more than an urban space and agreed with the staff comments on community character regarding the proposed architecture. Ms. Buntich stated that there should be some consideration of the overall streetscape of Attucks Lane and that the Cape Cod Healthcare building design should relate to the Excel structure. She went on to say that this project also needs to have better internal pedestrian connections and would like the Excel project to share parking with nearby buildings, which would involve the use of cross easements. Ms. Buntich commented she would like to see drought resistant plants used in landscaping. She noted that the town defers to the staff regarding transportation mitigation but is concerned about the capacity to address safety concerns of both structures once they are built out. She added that she would like to see sidewalks and a pedestrian connection across Attucks Way. Ms. Buntich noted the town is comfortable with the staff recommendations regarding water resources but would like to see attention given to the rain gardens and she wanted the applicant to use the LEED checklist.

Attorney Princi said he would sit down with Town staff, including the fire department to discuss the issues raised; especially regarding pedestrian crossings.

Mr. Crowell moved to continue the public hearing to January 22, 2009 at 3:00 pm at the First District Courthouse Assembly of Delegates Chamber in Barnstable, MA. Mr. Blanton seconded the motion that was approved unanimously.

Mr. Hogan moved to adjourn the hearing. The motion was seconded by Mr. Putnam and approved unanimously, and the hearing was adjourned at 7:50 pm.

A subcommittee meeting was held on December 18, 2008. Ms. Senatori gave a brief update on what happened since the public hearing on November 19, 2008. Staff met with the applicant on two separate occasions where the applicant provided additional information and updated plans. Ms. Senatori ran through the areas of concern identified in the staff report that the applicant addressed with the new information.

Ms. Seldin pointed out that the Hyannis fire chief had some concerns with landscaping. She asked for clarification that the new landscaping plan addressed these concerns. Jo Anne Miller Buntich said she knew the fire chief has concerns but she has not heard anything further from him but knows there still needs to be a site plan review at the local level.

Ms. Senatori stated the applicant has indicated that he intends to construct the southern building first and that staff is comfortable with this but is suggesting that there be a condition in the decision that instructs the applicant to construct the southern building first. Ms. Senatori said the applicant meets the landscaping standards with the new information provided and suggests that the final landscape plan be submitted for staff review and approval.

Ms. Senatori also mentioned that Scott Michaud was hoping they will diversify the plantings in the rain garden and replace the Bayberry that was proposed for the retention basin. She believed that Scott had said Dan was comfortable with this and it can also be a condition to the decision.

Ms. Senatori moved onto the hazardous wastes and materials standards and stated that staff believes these conditions have all been met with one exception- staff recommends that there be a condition in the decision that the applicant submit a statement to address the hazardous waste and materials handling of the construction phase for staff review and approval.

Ms. Senatori said in regards to transportation, Commission staff believes the applicant can meet the standards if prior to occupancy of the first building a trip reduction plan will be implemented.

She noted that revised drainage plans were submitted as well as an updated operation & maintenance plan which staff believes now meet the standards.

Ms. Senatori explained there are several areas that staff suggested the subcommittee should deliberate - the first is the redesign of the building. Doug Sanford noted that issues from the previous design were the scale of the entry feature, removing some building detail, and possibly changing color of the wings of the building. Mr. Sanford presented the current design proposal and pointed out the changes.

Mr. Dascombe stated there were three areas of concern with the plan - the visibility of rooftop equipment, materials, and the entry feature. Mr. Dascombe clarified that the "finalists" are plans C-17 and C-18; the only difference being the height of the center entranceway. Ms. Taylor stated that the conical towers in the plans are not very "Cape Cod" and that she likes C-13 better. Ms. Buntich said leaving the entryway aside, the town has no problems with plan C-18. She also stated the town prefers the entryway on C-13 as it has a 4 sided 'cap'. The rounded proposals (C-17) aren't preferred. Mr. Sanford stated that the applicant prefers C-17 and dislikes C-13. Mr. Bornstein stated that the buildings are large enough and he doesn't like the white columns in the plan or columns in general. Mr. Blanton stated he was in support of the roundness of plan C-17. He doesn't want the 'right angle' big buildings that look like architecturally decorated warehouses. Mr. Putnam agreed in terms of the roundness of the structure. He said that deciding

what is "Cape Cod" and what isn't is too abstract of an argument and he liked the non-warehouse look of the building.

Mr. Crowell stated if you look at the context of this building you really can't fit it into the context of Cape Cod. He also reiterated it looks like a school and went on to say the building is in an industrial park. Ms. Seldin asked how much say the town has in regards to the architectural design. Ms. Buntich answered the town has no say over architectural plan, only site plan review. She expressed concern that the Cape Cod Healthcare building being built right next to this proposed building is being built in compliance with the Commission design guidelines and the two will be in stark contrast. Ms. Seldin questioned Mr. Dascombe about the design guidelines in reference to the Cape Cod healthcare building. Mr. Dascombe confirmed the two buildings will contrast however there are a lot of flat roof buildings in the area so there is not a context this building has to match.

Mr. Putnam made a motion to approve plan C-17. Mr. Blanton seconded the motion. Ms. Taylor voted in opposition. The motion passed with three members voting in agreement.

Mr. Dascombe explained that standards require parking to be located to rear or side of a building. He stated that the applicant has a small amount of parking to the front of the building near Attucks Road, which it is mostly handicapped parking and some visitor parking. He deemed this appropriate as moving the parking may have an adverse impact. Mr. Blanton asked if there was an allowance for connectivity between parking lots. Dan Ojala answered there was vehicular access around the buildings. Mr. Dascombe suggested a motion be made that the parking lot located to the west of the building is appropriate and consistent with the standards.

Mr. Blanton moved that the parking lot located to the west of the building is appropriate and consistent with the standards. Mr. Putnam seconded the motion. The subcommittee voted unanimously to approve the motion.

Ms. Senatori stated that Commission staff is recommending sidewalks on the property, despite the applicant's desire to not include them. Mr. Ojala explained that in order to have a crosswalk put in at the intersection they would need to also install a signalized light, which is very expensive. He suggested putting in a crosswalk through the road median at an alternative site by Home Depot. There are also 16,000 feet of internal sidewalks proposed which will extend to the proposed crosswalk. Mr. Princi explained he met with Glenn Cannon last week and created plans to respond to sidewalks request. Mr. Cannon explained he can't say whether the proposed crossing is safe or not, as he was seeing the plans for the first time. He said that the crosswalk at the intersection is one that people would use, as using the shops in the adjoining plaza would be preferable. He explained it is also a shorter route to the shops than the proposed alternative crosswalk.

Ms. Seldin clarified that the subcommittee could not give approval on this issue today and the applicant will have to work with staff. Mr. Ojala explained how they included internal sidewalks, as they don't think this area is safe for pedestrians and there are none anywhere else. Ms. Buntich noted that the site plan for Cape Cod Healthcare / Wilkens includes sidewalks. Mr.

Cannon explained how this area was once an 'industrial park' but is realistically more of an office park where sidewalks are now more appropriate. Ms. Taylor asked if there are plans for a signal light at the intersection in the future. Ms. Buntich responded the town asks for lights at all intersections where people have to wait 10 to 15 seconds to cross the road. She explained she needs the proposal to show the sidewalk plan to DPW, traffic people, and the police chief to see if they are supportive.

Ms. Senatori stated the last issue to be discussed is transportation mitigation. Mr. Princi explained if the applicant had the foresight in 2003, with the DRI approved in 1998 still alive, he would have come before the Commission to say the building has not been built and requested an extension. If the applicant had requested and received an extension in 2003, the traffic mitigation for the 42,000 s.f. building would have been substantially paid by the 1998 DRI. At that point, if the applicant wanted to build a new additional 22,000 square feet, Commission transportation staff could have done a review and analysis based upon the new 22,000 square feet.

Mr. Princi also explained how around $13,000 of the original mitigation money cannot be traced. He explained that Mr. Cannon's figure for traffic mitigation payment is $176,276 based upon the 2002 RPP for 64,000 square feet. Mr. Princi asked the subcommittee to grant a hardship for the 42,000-square foot building that never was built and give credit for the mitigation, which was calculated based on the 1996 RPP and was partially paid. According to Mr. Princi, given these facts, mitigation needs to be paid for an additional 22,000 square feet, which when calculated is $73,000. Mr. Princi requested that the mitigation figure be a compromise figure at $125,000, with one half paid when one building was completed and the rest when the second building was completed. Mr. Cannon said he couldn't endorse that and does not have the authority to grant the relief. Ms. Buntich asked how the committee plans to determine if mitigation was previously paid. Glenn described how at least a portion of the mitigation was paid ($27,000). The applicant has offered to pay the additional $14,000, which according to available records was not paid by Excel. Mr. Princi stated the $14,000 was included in his suggested figure of $125,000 for mitigation.

Mr. Cannon explained they started with a figure of $210,000 and the applicant could have received a credit for two things, which were not applied: one being the interconnect between two parcels (10% credit→ $21,000) bringing it to $189,000; and the other being the 'input' numbers used. When the most recent input numbers are used this further reduces the mitigation by $11,000 bringing it to $178,000. Mr. Princi clarified that $178,000 is not a reduced number, it is the full mitigation cost, not including the $14,000 that no one can account for. Mr. Cannon explained that the applicant is looking for the subcommittee to give him credit for the 42,000 square foot building that was never constructed but for which $27,000 was paid in mitigation fees based upon the old RPP. Mr. Blanton expressed concern that the number arrived at is enough to pay for the transportation impacts and stated he would like to see a rational methodology behind the proposed number. Mr. Blanton said he could be okay with Mr. Princi's number if it will be enough to mitigate the effects of the development.

Ms. Senatori stated the subcommittee needs to decide whether or not to make a finding that the applicant has proven their hardship, and then they have the opportunity to reduce the transportation mitigation.

Mr. Putnam commented he is looking for more rationale to justify the applicant's proposed figure. Mr. Princi said that the rationale behind his proposed figure was contained in his last presentation, however he would lay it out next to both Mr. Cannon's number and his proposed number for the subcommittee to review at another meeting. Ms. Seldin suggested no motions be made until the rest of the pieces of transportation have been given to the subcommittee and that they schedule another subcommittee meeting to address the sidewalks and transportation mitigation. She requested that Attorney Princi and Mr. Cannon provide the subcommittee with information as to how each number was arrived at, and the subcommittee also receive a copy of the sidewalk plan.

Ms. Seldin suggested and confirmed holding another subcommittee meeting on Monday, January 5, 2009 at noon. Ms. Taylor made a motion to adjourn. Mr. Blanton seconded the motion, which was approved unanimously.

A subcommittee meeting was held on January 5, 2009. Florence Seldin opened the meeting at 12:00 PM. Ms. Seldin stated this was a continuation from the previous subcommittee meeting to continue the discussion on sidewalks and transportation mitigation. Ms. Senatori said the applicant resubmitted the sidewalk plans and asked the subcommittee to deliberate on the plans.

Attorney Princi explained he submitted a sheet showing his and Mr. Cannon's calculations for mitigation. The spreadsheet shows how Mr. Cannon calculated a mitigation figure based on 64,000 square feet of new development and also a figure based on 22,000 square feet. Mr. Princi noted that there was a change to the mitigation numbers on page two of his supplemental statement and that $72,360 originally calculated for the additional 22,000 s.f. should be $58,039 based on revised calculations by Mr. Cannon.

Mr. Princi noted that if Mr. Bornstein had gone to the Commission six months before the DRI expired, the Commission likely would have given an extension. With this extension (for the 42,000 sq feet yet to be constructed) had he then decided to build two buildings (totaling 64,000 square feet) he would have come before the Commission yet again without a hardship exemption to ask for a modification for the additional 22,000 square feet. The transportation mitigation figure on this additional 22,000 square feet would be $58,039.

Mr. Princi suggested that because it is a hardship exemption, the committee use discretion handling the mitigation. He also stated that Mr. Cannon did everything he is obligated to do as a staff member, which is to assess the mitigation based on 64,000 square feet.

Mr. Princi noted that Ms. Buntich was not yet present today but recalled she left this decision up to the subcommittee. Mr. Princi asked the subcommittee to accept the proposed figure of $125,000, which is roughly midway between the original number of $173,000 and the new

number of $58,039. Mr. Bornstein stated he is spending a lot of money to make the building 'green' and is looking to the subcommittee to decide what is fair in these tough economic times.

Ms. Seldin asked Mr. Cannon if he had any comments. Mr. Cannon responded he has no comment on the $125,000 figure; it is up to the subcommittee to decide. Ms. Buntich said that she supports the staff report.

Ms. Senatori stated that if the subcommittee makes a finding that there is a hardship, they have the ability to reduce the requirement of the MPS. Mr. Putnam moved that a literal enforcement of the provisions of the Act as it relates to the required transportation mitigation amount of $176,276 would involve a substantial hardship, financial or otherwise. Mr. Crowell seconded the motion that passed unanimously.

Mr. Putnam also moved that the payment of $176,276 is a financial hardship to the applicant and therefore the transportation requirement of MMPS 4.1.3.4 should be reduced to $125,000 as such relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act, and the relief granted from the requirements of the Minimum Performance Standards relates directly to the nature of the identified hardship and is the minimum relief necessary to address the hardship. Mr. Crowell seconded the motion that passed unanimously.

Mr. Princi asked if the mitigation payment could be broken down into two payments. Mr. Cannon stated he was comfortable with that idea. Mr. Putnam moved that the $125,000 transportation mitigation could be made in two payments. Mr. Crowell seconded the motion that passed unanimously.

Ms. Seldin suggested discussing sidewalks. Mr. Ojala explained the revised sidewalk plan. He stated the principal concern seemed to be allowing pedestrians to get to the lunch type destinations. He said there were already existing sidewalks and interconnections, which were in simple line of sights. He noted the town engineer said people tend to look for crosswalks at intersections. Mr. Ojala said his preference was a simple crosswalk with signage and striping, as a signal light is expensive. Mr. Ojala also noted that there is already a light footpath in the area of the proposed crosswalk.

Mr. Princi clarified he felt it was safer and more convenient to have the sidewalk in the proposed spot. He stated his position that if the town and staff insist the crosswalk be at the intersection that it is a crosswalk with no signals required, just safety signs and striping.

Ms. Buntich agreed with the town engineer that the simplest place to put the crosswalk is at the intersection as both pedestrians and drivers anticipate it being there. She would like the crosswalk to connect both sidewalks and noted that Wilkens Ambulatory Care is proposing a sidewalk on Gonsalves way.

Mr. Cannon said staff would contact the owners of Festival Mall about the proposed sidewalk. Mr. Crowell asked Mr. Cannon if he thought there was adequate refuge in the middle. Mr.

Cannon responded he thought there was. He noted that the intersection was wide but the crosswalk can be put very close to the raised median.

Mr. Ojala sketched out and explained the proposed sidewalk on the large plan. He stated he would get a copy to staff soon so the sidewalk plan will be on record.

Mr. Putnam stated that he spent time walking both proposed crosswalks and would prefer the original crosswalk/sidewalk. Ms. Buntich thanked Mr. Putnam for his input and stated the town engineer and the applicant's traffic engineer both determined that a crosswalk at the intersection would be safer and preferable.

Mr. Crowell noted that people tend to follow a straight line and are less likely to deviate, even for reasons of safety. Ms. Seldin stated that traffic at the crosswalk is high, but once the crosswalk is established with signs, drivers will get used to it. Mr. Putnam explained he liked the original crosswalk better than the proposed one because it allows the people in the main building shorter access to the buildings across the street.

Mr. Crowell made the motion to accept the new sidewalk plan that included revisions made today. Mr. Putnam seconded the motion. It passed unanimously. Ms. Seldin explained that they are approving the sidewalk plan as explained by Mr. Ojala with the approval of the town and Mr. Cannon.

Ms. Seldin moved that the applicant has met its burden and has shown that a hardship exists and that the subcommittee approve the hardship exemption application with conditions and direct staff to draft a decision. Mr. Putnam seconded the motion. It passed unanimously.

Mr. Pfautz stated that the fire department would like to go on record as having concerns about one of the parking areas being a dead end. The dead end would require having a fire truck back out, which is difficult. Mr. Pfautz suggested putting in a ramp to tie the two parking lots together, noting a four-foot elevation change between them.

Mr. Ojala responded that he hoped the hardened gravel path going up the side of the building could serve as a route for a large truck to get around the building. His concern is that it would take $200,000 worth of fill to bring the sites up to the same grade.

Mr. Phautz restated his concern that pulling up to the front entrance of the building would require a fire truck to back all the way out and around. Mr. Ojala pointed out the access options on the large map. He noted that there was paved access on two sides of the building and hoped adding the fire lane would alleviate the problem. Mr. Pfautz stated the fire department would like to go on record as still having concerns. Mr. Ojala responded he would look at adding a ramp to connect the two parking lots.

Ms. Seldin asked if the plan has to go before any town boards and noted that this issue will need to be addressed either now or at that level.

Mr. Princi responded that they are constructing the south building first and can work the issue out before they begin the second building stage.

Mr. Ojala added they would like to resolve this sooner rather than later and requested that language be added in the decision that if they add a second cut through they won't need to come back to the Commission for approval. Mr. Bornstein stated all the buildings have standpipes and sprinklers and provide clear access on three sides.

Mr. Princi stated he likes Mr. Ojala's proposed solution and requested that the applicant will not have to come before the Commission in regards to the cut through. Ms. Seldin clarified that the local site plan review will address the problem and this will go into the draft decision as a finding.

Ms. Seldin thanked everyone for attending and suggested and confirmed a subcommittee meeting to review the draft decision on Wednesday, January 14, 2009 at 9:00 AM. Mr. Crowell made a motion to adjourn, which passed unanimously.

JURISDICTION

The project qualifies as a DRI under Section 3(e)(i) of the DRI Enabling Regulations as new construction of any buildings with a Gross Floor Area greater than 10,000 square feet. The Applicant applied for a Hardship Exemption pursuant to Section 8 of the DRI Enabling Regulations and Section 23 of the Act.

FINDINGS

The Commission has considered the application of Perseverance, LLC, 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 Regional Policy Plan (RPP) and Section 23 of the Act:

General Findings:

GF1. As the first substantive hearing was held on November 19, 2008, the RPP in effect for this project is the 2002 RPP.

GF2. The subject property situated on Perseverance Way and Gonsalves Avenue in Hyannis, MA is identified by Barnstable Assessor's records as Map 295, Parcel 4, Parcel Extensions 2 and 4, and consists of approximately 8.76 acres. The Site has been owned by Perseverance, LLC since January 2002. The Site is situated within the 19.59-acre Excel Switching Corp Corporate Campus that is comprised of three existing office buildings at 45-75, 60 and 70 Perseverance Way.

GF3. The Applicant is proposing construction of two, approximately 32,000-s.f., two-story, office buildings, as well as 84 additional parking spaces (paved and gravel), rain gardens, and landscaping. The buildings will connect to the municipal water and

sewerage systems. The southernmost proposed building noted on the Campus Layout Plan of Land, prepared by Down Cape Engineering, Inc. and revised December 4, 2008, is referred to as 0 Gonsalves Road and is considered "Building 1" for purposes of this decision (see Exhibit A). The northernmost proposed building illustrated on this plan is referred to as 15 Perseverance Way and is considered "Building 2" for purposes of this decision.

GF4. Two previous DRI reviews conducted on the Excel Switching Corp Corporate Campus are summarized as follows: 1) a DRI decision was rendered in December 1997 (TR97029) approving the construction of a 46,000-s.f. building, which was subsequently constructed and is referred to as the Excel / Auburn Wire building at 75 Perseverance Way; and 2) a DRI decision was rendered in June 1998 (TR98005) for the Excel Switching Corporation, Corporate Facilities Master Plan on Perseverance Way. At that time, construction of two buildings totaling 99,000-s.f. was approved. One building of approximately 57,000 s.f. was constructed and the second building, which was to be approximately 42,000 s.f., was not constructed. See Exhibit A.

GF5. Commission records indicate that mitigation required as part of the 1998 DRI was provided in the form of $27,000 transportation mitigation, an 8.95-acre open space contribution, and a payment of $1,500 toward a flushing study.

GF6. The development does not lie within a District of Planning Concern, and is consistent with the Barnstable Local Comprehensive Plan and municipal development bylaws.

GF7. The probable benefits of the development outweigh the probable detriments. A benefit of the project is the "green" building components of the design, which according to the Applicant, include designing a highly efficient HVAC system, including infrastructure for plug-in electric vehicles, incorporating renewable energy systems into the project, providing a solar thermal system, and harvesting rainwater for irrigation.

GF8. The Commission finds that a Hardship Exemption is appropriate and that the Applicant has fulfilled its burden to show that a hardship exists in conforming to the requirements of the RPP at this time. A literal enforcement of the Act would involve a transportation mitigation payment of $176,276. Partial relief from this requirement may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act. The relief granted relates directly to the nature of the identified hardship and is the minimum relief necessary to address the hardship.

Community Character Findings:

CCF1. The campus is currently occupied by three office buildings totaling approximately 179,000 s.f., and associated parking areas. The proposed buildings and parking are to be constructed on a cleared portion of the campus to the west of the existing buildings and east of a proposed new road (Gonsalves Road). Gonsalves Road will be built as

the Cape Cod Healthcare Ambulatory Center project is constructed and will connect Attucks Lane and Kidds Hill Road to the north. Attucks Lane is defined as a regional road in the 2002 RPP.

CCF2. The proposed project plans illustrate two new, 29,572 square foot, two-story buildings; both proposed buildings are identical and each will have a footprint of approximately 14,956 square feet. The proposed two-story buildings consist of a mostly flat-roof with a conical roof entry feature. The building exterior is proposed to be clad with masonry of varying color although final color selection will not be determined until plans are presented for building permit.

CCF3. MPS 6.2.12 requires that "all utilities for development...shall be placed underground." Plans submitted by the Applicant show utilities for the two new buildings underground. Therefore, the Commission finds that the proposed plans are consistent with the requirements of MPS 6.2.12.

Architecture

CCF4. MPS 6.2.5 requires that "*where an individual structure exceeds a building footprint of 10,000 square feet, the massing, façade, and roof configuration shall be varied in order to reduce the apparent mass of the building and shall include a minimum of 10 feet of set-back or projection in the façade footprint for every 50 feet of façade length.*" Both structures will have a footprint of greater than 10,000 square feet and are varied by projecting the mid-section of the building forward by 10 feet and projecting the entry a further 8 feet beyond. The Commission finds that the proposed footprint is consistent with the dimensional requirements of MPS 6.2.5. The proposed buildings also incorporate variety in the building height and have a raised parapet surrounding the location of the proposed HVAC units on the center roof that will screen the majority of the equipment from the surrounding public rights-of-way. The color of the exterior materials of the center section of the building will also differ slightly from the rest of the structure to further break down the mass of the building. Therefore, the Commission finds that the proposed building is consistent with the massing, façade and roof configuration requirements of MPS 6.2.5.

CCF5. MPS 6.2.6 requires that in "*industrial parks or areas not visible from scenic or regional roadways or other distinctive areas noted above in 6.2.4, use of nontraditional materials and forms may be appropriate. In such areas, maintenance of adequate buffers on the subject property is required to ensure that the proposed development will not be visible from scenic or regional roadways such as Route 6A.*" The building is proposed to be clad with masonry, although final color choice will not be determined until plans are submitted for building permit. Masonry is considered to be a traditional building material for the purposes of this standard and therefore the Commission finds that the materials are consistent with this standard, and the decision is conditioned to require the submittal of final masonry colors for Commission approval prior to issuance of any building permits.

CCF6. MPS 6.2.7 requires that the "*parking shall be located to the rear or the side of a building or commercial complex 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 proposed parking is located to the side and rear of both the buildings, and the construction of the southern building will also screen some of the existing parking lots from Attucks Lane. The decision is conditioned to require that the most southerly building ("Building 1") be constructed first so that the parking located between the two structures is hidden from view. However, the southerly building does have a small number of handicapped and visitor parking located in front of the building on the Gonsalves Road side. The Commission finds that because the site in question is located at a corner, and therefore has two front sides, that locating all parking to the side or rear of the buildings is infeasible given the other constraints on the site, such as the existing buildings, parking areas and stormwater infrastruture. The Commission finds that the parking would be well screened by the proposed landscaping from the abutting regional road and that the 10 parking spaces do not have a detrimental impact on the visual features of the site as proposed and that the project is therefore consistent with MPS 6.2.7.

Landscaping

CCF7. MPS 6.2.5 requires that for all development "*....full screening may be achieved through the use of traditionally scaled frontage buildings or a vegetated buffer at least 200 feet in depth. The method of screening shall be consistent with the character of the surrounding area....*" The Commission finds that the proposed landscape plan, "Landscape Plan of Land" revision dated December 8, 2008 by Down Cape Engineering, Inc. provides the required 200' planted buffer to Attucks Lane. The proposed buffer consists of mostly native plants and some lawn areas consistent with the local Cape character. A substantial portion of the buffer will be a retention basin labeled "Rain Garden". The sides and bottom of the basin are to be seeded with an erosion control mix of native grasses, perennials, ferns and rushes. Screening will be provided by a mixed forest of Spruce, Maple, Viburnum and Winterberry. The plantings along Gonsalves Road are Maples and Spruce in lawn areas with several seeded "rain gardens" which should be augmented with drought and disease resistant plants. The Gonsalves buffer is interrupted by the west entrance to Building #0, parking areas, and a proposed gravel fire road. The depth of loam to be used in lawn or seeded areas is not indicated and the seed mix or sod type is not specified. The gravel type is not specified.

CCF8. MPS 6.2.6 requires that "*...maintenance of adequate buffers on the subject property is required to ensure that the proposed development will not be visible from scenic or regional roadways...*" The Commission finds the proposed buffer plantings at Attucks Lane, of Spruce and Maple at 15'-20' o.c. and understory shrubs, will be adequate provided they are given proper installation and care.

CCF9. MPS 6.2.6 states that in industrial parks the "*use of non traditional materials and forms may be appropriate.*" A concrete retaining wall, 6' high in some areas, with a 4' high safety fence is proposed facing into the project. Some softening of that wall is provided by 7'-8' Spruce and 3" caliper Red Maples. Exact materials and colors are not specified.

CCF10. MPS 6.2.9 requires that "*all development shall implement a landscape plan that addresses the functional aspects of landscaping, such as drainage, erosion prevention, wildlife enhancement, screening and buffering, wind barriers, provision for shade, energy conservation, sound absorption, dust abatement, and reduction of glare.*" The proposed landscape plan utilizes vegetated bioinfiltration areas to capture storm runoff. The "Bioretention Woody Planting Sketch Plan" dated December 4, 2008 by the project engineer indicates native shrubs to be planted at the bottom of the large, northwest basin. The Commission has requested the applicant remove Bayberry from the species list at the Bioretention area because it is a nitrogen fixer, but that has not been remedied on the submitted plans. Plans indicate that slopes throughout the site are to be stabilized with "Lawn", Loam and Seed" or "New England Erosion Control Mix" with the exception of the 1:3 slope at the southeast corner of Building 1. The depth of loam is not specified for either the proposed lawn areas or the native grass areas. Much of the proposed vegetation and native grasslands will provide food or nesting habitat for wildlife. However, the six-foot chain link surrounding the Bioretention area will inhibit wildlife movement. Evergreen and deciduous trees have been provided throughout the Site to mitigate wind, provide shade and reduce glare. Provision for shade in the southeast parking strip along Building 1 is lacking. The strong percentage of evergreen trees will help with sound absorption and screening.

CCF11. MSP 6.2.9 requires that "*a maintenance agreement or irrigation system, as appropriate, shall be provided by all development.*" Plans for establishing vegetation, planting methodologies, insect and disease control or general maintenance of the buffers have not been identified at this time.

CCF12. ODRP 6.2.14 recommends that shade trees along roadways "*should be tolerant of roadside conditions and a minimum of 3-inch caliper/diameter at breast height...at time of planting*". The Commission finds the tree species list acceptable and plants are sized correctly. The Commission suggests that the construction plan set indicate 3" caliper is a minimum size for deciduous trees. The Commission suggests all trees in areas to be mowed be protected by a mulch ring at the base of the tree to protect them from mowing damage. Thin barked Maples are especially prone to mowing damage.

CCF13. ODRP 6.2.15 recommends that "*Distinguishing original features of a site such as...existing plantings...should be preserved where possible. Plantings on the street side of buildings and walkways...should be provided where appropriate.*" The Site is a disturbed site except where it meets the existing campus. Existing spruces at the

original campus to be removed for construction could be of great benefit to the new project if transplanted.

Exterior Lighting

EXLF1. Revised application materials submitted on October 28, 2008 include catalog specifications for two AERODOME fixtures and an 8.5 x 11 inch foot-candle plan. The undated foot-candle plan from RUUD Lighting shows 17 pole-mounted fixtures instead of the 13 parking lot lights called out on the *Utilities and Landscape* plan, dated 9/12/08 from Down Cape Engineering.

EXLF2. The AERODOME pole-mounted fixtures selected are consistent with MPS 6.2.10 and with Technical Bulletin standards 2.1, 2.2, 2.3 and 2.4. It was not possible to determine if the pole-mounted lights are consistent with Technical Bulletin standard 2.5, which limits the total height of the fixture, or with standard 2.6, which limits the maximum foot-candles to 8.0. It was also not possible to determine if the project's overall exterior lighting design was consistent with MPS 6.2.10 or the Technical Bulletin, because no information was submitted regarding any on-building mounted lights (*wall packs, soffit lights, lights over exit doors, etc.*).

Solid Waste:

SWF1. MPS 4.2.1.3 requires DRIs to provide *"[s]uitable locations for the collection, storage, and removal of recyclable materials..."* Sheet C19, *Floor Plans*, dated January 13, 2009 drawn by Douglas Sanford Associates Inc. shows the anticipated location of recycling containers for paper, cardboard and plastic materials. Also, Sheet 2 of 4, *Landscape Plan of Land*, dated September 17, 2008, revised December 8, 2008, drawn by Down Cape Engineering, Inc. indicates that the solid waste dumpsters are well screened from general viewing areas.

Hazardous Materials and Wastes:

HZF1. According to maps produced for the 2002 Regional Policy Plan, the project site is located within one or more existing Wellhead Protection Areas/Districts/Zone II. MPS 4.3.1.3 applies which limits the amount of hazardous materials or hazardous waste used, treated, stored, generated or disposed of at or on the site to not more than 25 liquid gallons or its dry weight equivalent. The *Project Description* indicated intent to lease all or parts of the finished building to state and local governmental agencies, but it is uncertain what the actual tenants/lessees will be. On October 16, 2008, the Commission received copies of proposed example lease language, which requires a potential tenant to *"represent and warrant that there are currently no hazardous materials in the Leased Premises"* and that the tenant *"shall ensure that no hazardous materials are brought onto or used in the Leased Premises during the Lease term."* Another part of what appears to be example lease language defines a *Hazardous Substance* by referring to several Federal laws (RCRA, CERCLA, TSCA) as well as specific substances including gasoline, diesel fuel, other petroleum hydrocarbons, asbestos, PCBs.

HZF2. In addition to the RPP Hazardous Materials/Waste standards for the project's construction phase, there are three other Hazardous Materials/Waste MPS that require additional information. This information shall be required as a condition to this decision.

Transportation:

TF1. The Applicant's representative has calculated trip generation estimates based upon two proposed 32,000 s.f. office buildings. These trip generation calculations are based on traffic generation rates observed from the existing office buildings on-site. The trip generation data submitted by the applicant nearly matches the Institute of Transportation Engineer (ITE) data for General Office Use (ITE LUC 710). The Applicant only provided daily trip generation estimates; therefore Commission transportation staff supplemented the Applicant's data with data from the ITE to determine the morning and afternoon peak hour impacts. The trip generation estimates are outlined below in Table 1.

Table 1 – Trip Generation Comparisons

Use	Daily Trips	AM Peak Hour	PM Peak Hour
64,000 SF total – two office buildings	700	99	95

Based on the trip generation analysis submitted by the applicant, the proposed total 64,000 s.f. in two office buildings will have a significant transportation impact on the regional roadway network.

TF2. MPS 4.1.3.4 states "*Developments of Regional Impact shall perform Level of Service analysis and provide for full mitigation of project impacts on all regional road links, at all intersections of regional roads, and at local road intersections with regional roads that are used by the project for access to the regional road network, including but not limited to bridges, intersections, rotaries, roundabouts, interchanges, and U-turns where traffic increase are expected from the project, after traffic adjusts in compliance with the Minimum Performance Standards supporting 4.1.2.*" The Commission finds that hardship relief waiving the traffic study requirements and a reduction in the congestion mitigation required for this project (as discussed below in finding TF5) is appropriate. The Commission finds that the Applicant has met its burden to show that a hardship exists.

TF3. MPS 4.1.1.7 requires all DRIs access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. The Site will have access on two streets (Gonsalves Road and Perseverance Way) and no direct access onto Attucks Lane. Perseverance Way is open to the public and has adequate sight distance. Gonsalves Road is currently under

construction, however, Commission staff believes that this Site driveway as designed will comply with MPS 4.1.1.7.

TF4. The transportation section of the RPP requires DRI's to mitigate all traffic-related impacts associated with the proposed project. Appropriate mitigation can be achieved through in-kind strategies (roadway widening, signalization, etc.), non-structural means (transit, preservation of developable land) or a combination of these measures. Based on a vehicle miles traveled formula, the cost to maintain the transportation infrastructure required for this development is $176,276.

A previous DRI decision TR98005 for the campus, required the applicant at that time to mitigate traffic impacts for 99,000 s.f. of office development in two buildings which totaled $41,000. Only one building was constructed and 42,000 s.f. of office space was not constructed. Therefore, the applicant has requested hardship relief based on the previous mitigation paid for the 42,000 s.f. that was not built in that it would be a hardship to pay for transportation mitigation twice for the same area. The Applicant has further presented evidence and the Commission finds that a financial hardship exists based both on the economy and that significant additional costs have and will be incurred as a result of the green design of the building. Based upon the Applicant's hardship, the Applicant has requested that the transportation mitigation be reduced by $51,276 to $125,000. The Commission finds that the Applicant met its burden to show that a hardship exists. The Commission finds that a transportation mitigation payment of $125,000 will offset the cost of maintaining the transportation infrastructure for this project. The Commission finds this relief relates directly to the nature of the hardship and is the minimum relief necessary to address the hardship.

TF5. The Applicant has proposed phasing the construction of the two buildings and has requested that the transportation mitigation be phased concurrently. The Commission finds that the transportation mitigation can be made in two payments of $62,500 due before the Final Certificate of Compliance is issued for each respective building.

TF6. The Applicant has agreed to design and construct a sidewalk on Gonsalves Road and a crosswalk on Attucks Lane at the Festival Mall access driveway. These proposed improvements are shown on the site plan titled Sketch Plan Proposed Crosswalk revised January 9, 2009 by Down Cape Engineering, Inc.

TF7. The Barnstable Deputy Fire Chief has requested a ramp constructed on the project site connecting Building 2 with the existing Excel development. This ramp would be constructed within the proposed disturbed area and would not require any addition land disturbance. This ramp would aid on-site traffic circulation and therefore, the Commission finds that this ramp can be constructed without further review by the Commission.

TF8. The standard of review for transportation safety impacts is 25 or more new peak hour trips through a high crash location. A high crash location is defined as a location

where three (3) or more crashes have occurred for three (3) consecutive years. Commission staff expects that this project would generate more than 25 new peak hour trips through the intersections of Attucks Lane/ Phinney's Lane and Attucks Lane/Independence Way. Both of these intersections have been identified by previous DRIs as high crash locations. The safety concerns at both of these intersection has been recently addressed by previous DRIs and therefore the Commission finds that further safety analysis or mitigation at these locations is not required.

TF9. All DRIs are required to reduce new vehicle trips in and out of the site by 25 percent over what is typically expected for the land use (MPS 4.1.2.1). Based on the increase in average daily traffic of 700 trips per day, the trip reduction requirement for this project is 175 [700 x .25] daily vehicle trips.

The Applicant has agreed to the following employee trip reduction plan:

- Assemble information regarding carpooling and its benefits to be distributed to tenants and their employees.
- Designate an area where carpool information will be posted for all employees of the project.
- Implement a guaranteed ride home program (taxi service) for use in the case of an emergency for program participants.
- Designate preferential parking spaces for employees that carpool.
- Provide secure bicycle storage areas to accommodate bicycles for both employees and patrons.
- Work with tenants to provide on-site services to decrease employee midday trip making. The on-site services shall include a lunchroom, microwave, refrigerator, and prepared foods.
- Provide an on-site transportation coordinator. The transportation coordinator shall be responsible for ensuring that the complete rideshare program, including car/vanpools; accommodating work shifts; promotions; incentives; preferential parking; and guaranteed ride home program, is consistently promoted and provided.
- Provide flexible work hours for employees that car/vanpool.
- Work with tenants to develop employee work hours to match transit schedules for transit riders.
- Implement an annual transportation fair to be held at least once a year.
- Distribute to all employees a new employee information packet that will include information about the various TDM programs that are available and the ways in which employees can participate.
- Provide a quarterly bulletin or newsletter reminding employees about the TDM programs and making the employees aware of any new or modified services.
- Provide bicycle maps indicating the location of bicycle facilities in the area will be posted in central locations within the development to encourage bicycle commuting.

- Provide a reference in all promotional materials or link, in the case of a website, to the Cape Cod Commission transportation information center Travel Demand Management services at www.gocapecod.org/tdm. In addition, website based materials and advertising developed for the project will include listing and links to available public transportation services serving the project site.
- Provide incentives each day for each employee who commutes to work using alternative methods that reduce automotive trips such as bicycling, walking, carpooling or transit. These incentives shall include free meals through coupons/discount cards for use toward the purchase of goods and services within the development or at adjacent retailers and entries into weekly raffles for prizes such as movie tickets, free meals and/or goods and services.

Water Resources:

WRF1. The project is located in a Wellhead Protection Area for the Hyannis Water Division's Mary Dunn well field on a site that is already cleared and excavated. The project directs stormwater runoff from adjacent development into the project's stormwater retention basin. The stormwater system is designed to meet specification required by MPS 2.1.3.2.

WRF2. Projects located in Wellhead Protection Areas are required to meet MPS 2.1.1.2.A, including:

a) Nitrogen loading limit of 5-ppm-N,
b) Hazardous-materials and -waste limits (see Finding HZF1), and
c) Landscape management that emphasizes use of drought-, moisture- and pest-tolerant plantings.

WRF3. The project meets the 5-ppm-N nitrogen-loading limit. The project will connect to municipal sewer and project wastewater nitrogen will be managed at the Barnstable Water Pollution Control facility. On-site project nitrogen loads are derived from stormwater runoff and landscaping/fertilizer. The applicant has: a) incorporated bio-filtration (vegetation) into the stormwater system, as required by MPS 2.1.3.3; b) submitted a landscape management plan that mitigates nutrient loading of groundwater as required by MPS 2.1.1.2.A.5 and provides for maintenance of the stormwater system bio-filtration areas as required by MPS 2.1.3.6, and c) submitted a stormwater operation and maintenance plan that further details maintenance of the stormwater system as required by MPS 2.1.3.6.

A diversified mix of drought-, moisture- & pest-tolerant plantings should be added to the lower reaches of all rain gardens and supported by a well-drained soil mix. The banks of the rain gardens on the west side of the buildings should also be planted. The bayberry proposed for the retention basins should be removed because of its ability to add nitrogen to the soil.

WRF4. The project's nitrogen load is not limited by MPS 2.1.1.2.C. The project is located in the Mary Dunn Pond sub-watershed of the greater Lewis Bay watershed. The final

MEP technical report for Lewis Bay, the basis for the system's nitrogen Total Maximum Daily Load, was not published when this decision was rendered.

Natural Resources:

NRF1. The site contains existing buildings and parking, or consists of former gravel operations, and is completely disturbed. There are no wetlands on the site or in the vicinity of the project. Consequently there is no need for a natural resources inventory.

Open Space:

OSF1. No finding of hardship is required with regard to open space for this project, as the open space requirements were previously complied with. In 1999, Excel donated a conservation restriction on 8.95 acres to the Barnstable Land Trust, in compliance with the requirements of the Excel Master Plan DRI (TR#98005) and the Excel Switching Corp (TR#97029).

CONCLUSION

Based on the findings above, the Commission hereby concludes:

1) That the probable benefits of the development outweigh the probable detriments.

2) The Commission finds that a Hardship Exemption is appropriate and that the Applicant has fulfilled its burden to show that a hardship exists in conforming to the requirements of the RPP. Relief from these requirements may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Act. The relief granted relates directly to the nature of the identified hardship and is the minimum relief necessary to address the hardship.

3) The project does not fall within a District of Critical Planning Concern, and complies with the local development bylaws and the Barnstable Local Comprehensive Plan.

The Cape Cod Commission hereby approves with conditions the Hardship Exemption application of Perseverance, LLC provided the following conditions are met:

CONDITIONS

General Conditions:

GC1. The building shall be constructed in a manner consistent with the following plans:

- Campus Layout Plan of Land (Sheet 1 of 4), revised December 4, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-1)
- Landscape Plan of Land (Sheet 2 of 4), revised December 8, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-2)
- Utilities Plan of Land (Sheet 3 of 4), revised December 4, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-3)

- Detail Sheet Plan of Land (Sheet 4 of 4), revised December 4, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-4)
- Bioretention Woody Planting Sketch Plan, December 4, 2008 prepared by Down Cape Engineering, Inc. (Exhibit A-5)
- Drainage Area Sketch Plan, revised October 30, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-6)
- Sketch Plan Proposed Crosswalk, revised January 9, 2009 by Down Cape Engineering, Inc. (Exhibit A-7)
- Concept Elevations, Sheet C17, revised December 16, 2008, prepared by Douglas Sanford Associates, Inc. (Exhibit A-8)
- Floor Plans, Sheet C19, January 13, 2009, prepared by Douglas Sanford Associates, Inc. (Exhibit A-9)
- Turning Radius Sketch Plan, December 17, 2008, prepared by Down Cape Engineering, Inc. (Exhibit A-10)
- Landscape Management Plan, revised January 13, 2009, prepared by Down Cape Engineering, Inc.
- Stormwater Operations and Maintenance Plan, revised November 26, 2008, prepared by Down Cape Engineering, Inc.

As noted above, plans are appended to this decision as Exhibit A, and all plans listed above are incorporated herein by reference. Any deviation from the above plans, including but not limited to changes to the building design, building location, lighting, landscaping or other site work, shall require approval by the Cape Cod Commission through a modification of this decision, pursuant to Section 12 of the Commission's Enabling Regulations. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

GC2. This DRI Hardship Exemption decision is valid for 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of the written 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. 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.

GC5. The Applicant agrees to allow Cape Cod Commission staff to enter onto the property, which is the subject of this decision at reasonable times and after reasonable notice for the purpose of determining whether the conditions contained in the decision are met.

GC6. No additional development (as that term is defined by the Act) beyond that which is authorized by this decision and set forth by the plans appended to this decision as Exhibit A, shall be undertaken at the Site without approval by the Cape Cod Commission through a modification of this decision, pursuant to Section 12 of the Commission's Enabling Regulations.

GC7. Prior to commencement of any phase of construction for projects listed in condition GC1, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission, which states that all conditions in this decision pertaining to the relevant project subpart or element and Preliminary Certificate have been met. After the completion of each phase of construction for projects listed in condition GC1, the Applicant shall obtain a Final Certificate of Compliance from the Commission, which states that all conditions in this decision pertaining to the relevant project subpart or element and the Final Certificate have been met.

Community Character:

CCC1. The project shall be constructed in accordance with the plans titled "Concept Elevations Sheet C17" and dated December 15, 2008 (revised December 16, 2008). Building 1 shall be constructed first to screen the associated parking from views from Attucks Lane.

CCC2. Prior to the issuance of a Preliminary Certificate of Compliance for Building 1, the Applicant shall submit for Commission staff review and approval final samples of the exterior materials selected for the buildings.

Landscaping

CCC3. The landscape shall be constructed in accordance with the plans, "Landscape Plan of Land", revision dated December 8, 2008 and "Bioretention Woody Planting Sketch Plan" dated December 4, 2008 with the following exceptions. The bioretention plan will be modified to show a substitute species for Bayberry. The Landscape Plan will be modified to show shade trees planted along the parking strip southeast of Building 1 and the rain gardens along Gonsalves Road augmented with drought and pest tolerant shrubs. The drainage swale at the southeast corner of Building 1 will be stabilized with more appropriate plantings or seed mix. The modified plans will be submitted prior to the issuance of any building permit. Prior to the start of landscape construction for Building 1, the Applicant shall submit for the Commission's review and approval, specifications on loam depths for all seeded and sodded areas, the specific sod and/or grass seed mixes to be used, the male pollinators proposed for the Blue Princess and Winterberry Hollies, and planting installation details. The soil profile for the drainage basins will be as directed by the Commission's hydrologist.

CCC4. Prior to the issuance of the Preliminary Certificate of Compliance by the Commission for Building 1, the Applicant shall submit for Commission review and approval specifications on all fencing, retaining walls and proposed gravel color and size.

CCC5. Prior to the issuance of the Preliminary Certificate of Compliance by the Commission for Building 1, the Applicant shall submit for Commission review and approval a three- year maintenance agreement for the landscape with a qualified landscape contractor. The maintenance agreement shall include, but is not limited to, proposed watering methods for all areas of the landscape, an IPM program for insects and disease, designated snow storage areas, and the maintenance of grassed swales and gravel roadways.

CCC6. Prior to the issuance of the Final Certificate of Compliance from the Commission for Building 1, in-the-field verification of the landscape installation will be conducted by Commission staff to verify conformance with the plans.

Exterior Lighting

EXLC1. Prior to issuance of the Preliminary Certificate of Compliance by the Commission, the Applicant shall submit for Commission staff review and approval a revised "as to be built" exterior lighting plan which shows all site lighting, including any on-building mounted lights (*wall packs, soffit lights, lights over exit doors, etc.*), and all lights on the site *(pole mounts, bollards, landscape accents, etc.)*. The Applicant shall also submit with this plan for Commission staff review and approval copies of technical fixture cuts for all proposed site exterior light fixtures. Until the Commission staff issues a written approval of the exterior lighting plan and information, the Preliminary Certificate of Compliance for Building 1 shall not be issued.

EXCL2. If adjustments must be made to the Site's exterior lighting design, including addition or subtraction of fixtures, substitution of fixture heads or other changes, the Applicant shall notify Commission staff of such changes prior to the ordering or installation of such changed fixtures. Commission staff may approve changes to exterior lights that are consistent with Technical Bulletin 95-001.

EXLC3. Prior to issuance of the Final Certificate of Compliance from the Commission, in-the-field verification of the exterior lighting design, light levels, and illumination used for site signage will be conducted by Commission staff to verify conformance with the requirements of the Technical Bulletin 95-001, MPS 6.2.10, and the Exterior Lighting Findings of this decision. Until the Commission staff issues a written approval of the installed exterior lighting design, the Final Certificate of Compliance for Building 1 shall not be issued.

EXLC4. The installation of billboards, off-Site advertising (excepting approved directional signs) and internally lit or flashing signs shall be prohibited. In addition, any pylon or freestanding signs shall be down-lit in conformance with Technical Bulletin 95-001.

EXCL5. If all required exterior lighting is not complete at the time a Final Certificate of Compliance is sought from the Commission, any work which 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% 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 escrow agreement 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.

Solid Waste:

SWC1. The location of recycling containers for paper, cardboard and plastics inside the buildings shall be consistent with Sheet C19, *Floor Plans*, dated January 13, 2009 drawn by Douglas Sanford Associates Inc. Prior to issuance of the Final Certificate of Compliance from the Commission for Building 1, a site visit must be conducted by Commission staff to verify conformance with the requirements of Condition SWC1. Until the Commission staff issues a written approval based on the site visit, the Final Certificate of Compliance shall not be issued.

SWC2. The location of the solid waste dumpster or dumpsters on the site shall be consistent with Sheet 2 of 4, *Landscape Plan of Land*, revised December 8, 2008, by Down Cape Engineering, Inc., or shall be positioned in such alternative manner as to ensure the solid waste dumpster(s) is well screened from general viewing areas. Prior to issuance of the Final Certificate of Compliance from the Commission for Building 1, a site visit must be conducted by Commission staff to verify conformance with the requirements of Condition SWC2. Until the Commission staff issues a written approval based on the site visit, the Final Certificate of Compliance shall not be issued.

Hazardous Materials and Wastes:

HZC1. Prior to issuance of the Preliminary Certificate of Compliance by the Commission for Building 1, the Applicant shall submit for Commission staff review and approval information, which addresses MPS 4.3.1.2, MPS 4.3.1.3 and MPS 4.3.1.4 for both the construction and post-construction phases of the development. Until the Commission staff issues a written approval of this information, the Preliminary Certificate of Compliance shall not be issued.

HZC2. The amount of Hazardous Materials and Hazardous Waste used, treated, stored, generated or disposed of at or on the site shall be limited to not more than 25 liquid gallons or its dry weight equivalent. Prior to issuance of the Final Certificate of Use/Occupancy for either each building or each tenant, the Applicant or Tenant shall provide to the Commission staff for review and approval a signed copy of the lease, which shows compliance with this Condition and Finding HZF1. Until the Commission staff issues a written approval of the installed exterior lighting design, the Final Certificate of Compliance for either the building shall not be issued.

Transportation:

TC1. Prior to the Final Certificate of Compliance for the first building constructed, the Applicant shall make a monetary payment of $62,500 as outlined in TF5. These funds shall be held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design of implementation of transportation improvements in the Town of Barnstable.

TC2. Prior to the Final Certificate of Compliance for the second building constructed, the Applicant shall make a monetary payment of $62,500 as outlined in TF5. These funds shall be held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design of implementation of transportation improvements in the Town of Barnstable.

TC3. Prior to the Final Certificate of Compliance for Building 1, the Applicant shall implement the trip reduction plan as outlined in TF9.

Water Resources:

WRC1. Prior to issuance of the Preliminary Certificate of Compliance by the Commission for Building 1, the Applicant shall submit for Commission staff review and approval a landscaping plan that adds a diversified mix of drought-, moisture- & pest-tolerant plantings to a) the lower reaches of all rain gardens, supported by well-drained soil mix; and b) the banks of the rain gardens on the west side of the buildings.

The bayberry proposed for the retention basins shall be removed.

WRC2. Prior to issuance of the Preliminary Certificate of Compliance by the Commission for Building 1, the Applicant shall submit for Commission staff review and approval information that addresses hazardous-materials and -waste limits prescribed by MPS 2.1.1.2.A.2 for both the construction and post-construction phases of the development. Until the Commission staff issues a written approval of this information, the Preliminary Certificate of Compliance shall not be issued.

The Cape Cod Commission hereby approves with conditions the application of Perseverance, LLC as a Hardship Exemption pursuant to Section 23 of the Act, c. 716 of the Acts of 1989, as amended.

John D. Harris, Chair

22 Jan 2009
Date

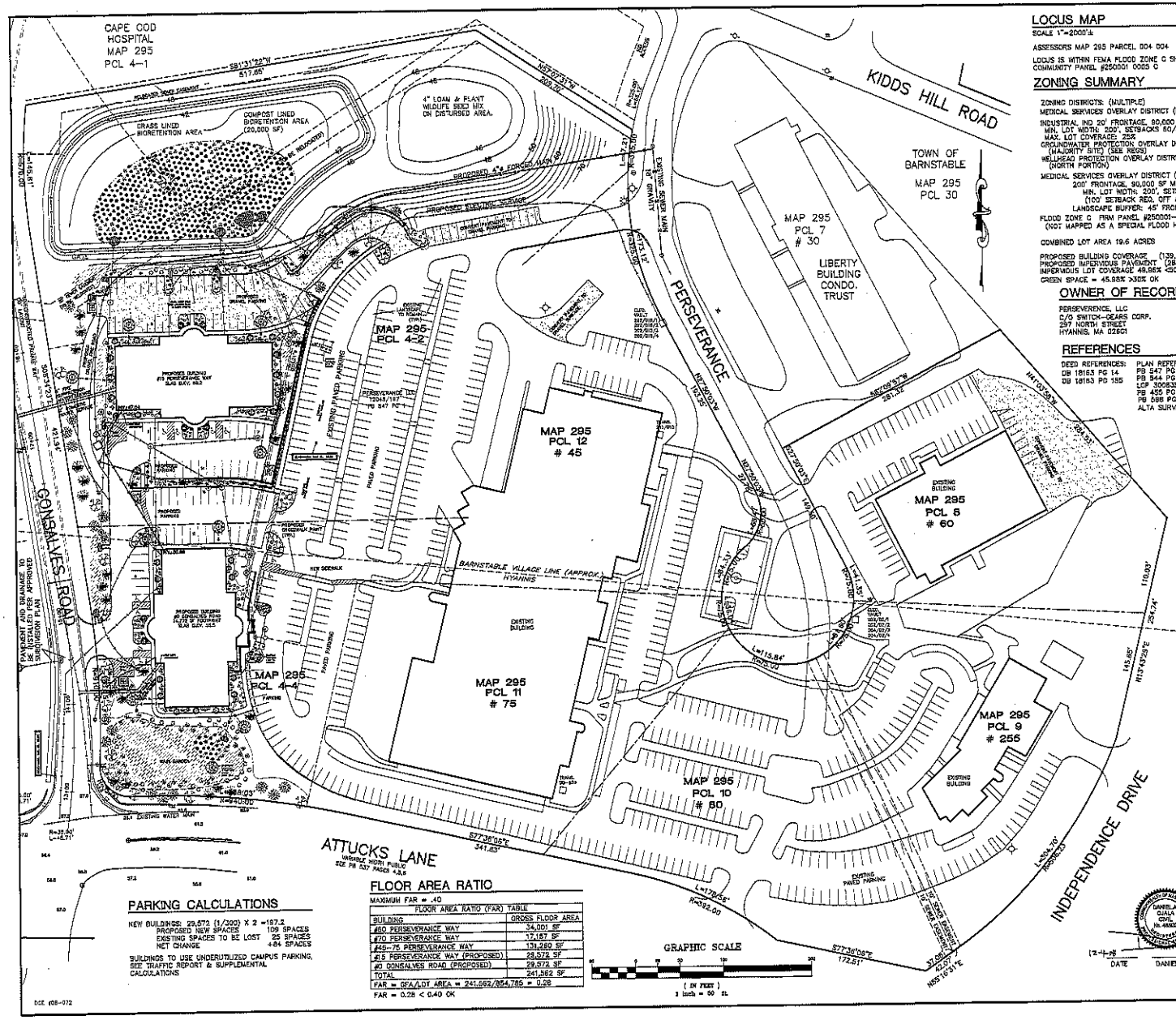
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Jan 22, 2009

Before me, the undersigned notary public, personally appeared John D. Harris, in his/her capacity as Chairman 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.

Notary Public
My Commission Expires: 10/13/11

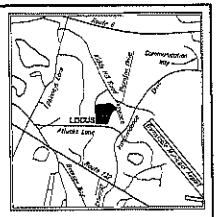


LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 295 PARCEL 004 004

LOCUS IS WITHIN FEMA FLOOD ZONE C SHOWN ON COMMUNITY PANEL #250001 0005 C



ZONING SUMMARY

ZONING DISTRICTS: (MULTIPLE)
MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)

INDUSTRIAL IND 20' FRONTAGE, 80,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 50/30/30
MAX. LOT COVERAGE: 25%
GROUNDWATER PROTECTION OVERLAY DISTRICT (MAJORITY SITE) (SEE REGS)
WELLHEAD PROTECTION OVERLAY DISTRICT (NORTH PORTION)

MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)
200' FRONTAGE, 80,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 50/30/30
(100' SETBACK REQ. OFF ATTUCKS LANE)
LANDSCAPE BUFFER: 45' FRONT & 30' SIDE/REAR

FLOOD ZONE C FIRM PANEL #250001-0005 C
(NOT MAPPED AS A SPECIAL FLOOD HAZARD AREA)

COMBINED LOT AREA 19.6 ACRES

PROPOSED BUILDING COVERAGE (139,861 SF/854,566) 16.37%
PROPOSED IMPERVIOUS PAVEMENT (287,081 SF/854,566) 33.59%
IMPERVIOUS LOT COVERAGE 49.96% <50% OK
GREEN SPACE = 45.88% >30% OK

OWNER OF RECORD

PERSEVERENCE, LLC
C/O SWITCH-GEARS CORP.
297 NORTH STREET
HYANNIS, MA 02601

REFERENCES

DEED REFERENCES:
DB 18163 PG 14
DB 18163 PG 155

PLAN REFERENCES:
PB 547 PG 1
PB 544 PG 14
LCP 30053C
PB 455 PG 71-87
PB 588 PG 40
ALTA SURVEY 8-16-2001

GENERAL NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN IS APPROXIMATE. PRIOR TO ANY EXCAVATION ON THIS SITE, THE EXCAVATING CONTRACTOR SHALL MAKE THE REQUIRED 72 HOUR NOTIFICATION TO DIG SAFE (1-888-344-7233) AND ANY OTHER UTILITIES WHICH MAY HAVE CABLE, PIPE OR EQUIPMENT IN THE CONSTRUCTION AREA FOR VERIFICATION OF LOCATIONS.

2. ALL CONSTRUCTION MATERIALS, COMPONENTS, AND METHODS EMPLOYED ON THIS PROJECT WORK SHALL CONFORM TO THE TOWN OF BARNSTABLE SUBDIVISION REGULATIONS AND/OR THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR BRIDGES AND HIGHWAYS AS AMENDED TO PRESENT. ALL SEPTIC WORK AND MATERIALS TO CONFORM TO 310 CMR 15.00 TITLE 5, AND BARNSTABLE HEALTH REGULATIONS. SEWER WORK TO CONFORM TO DPW SPECIFICATIONS FOR SEWER CONNECTIONS.

3. VERTICAL DATUM IS NGVD29 ASSUMED FROM G.I.S. DATA

4. ALL ROOF RUNOFF TO BE PIPED TO BIO-RETENTION AREA AS SHOWN. ROOF DRAINS 6"SDR35 PVC AT 2% MIN. PITCH.

5. DESIGN LOADING FOR ALL PRECAST UNITS AASHTO-H20 UNLESS NOTED.

6. THIS PLAN IS FOR PROPOSED WORK ONLY AND IS NOT TO BE USED FOR PROPERTY LINE STAKING.

7. ALL STORM RUNOFF TO BE CONTAINED ON SITE. PROVIDE VEGETATED SWALES IN BUFFER STRIPS AS REQUIRED TO ENSURE RUNOFF IS RETAINED.

8. 6" LOAM AND SEED ALL DISTURBED AREAS NOT PAVED, SEE LANDSCAPE NOTES.

9. ALL SEWER PIPING 6"SDR35 PVC UNLESS NOTED.

10. COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY ENGINEERING AND PERMISSION OBTAINED.

11. COORDINATE UTILITY INSTALLATIONS WITH APPROPRIATE VENDORS.

12. SITE LIGHTING SHALL NOT CAUSE GLARE FOR MOTORISTS, PEDESTRIANS, OR NEIGHBORING PREMISES.

13. FIRE SPRINKLER SYSTEM TO BE INSTALLED. STORTZ CONNECTION AND ENGINEERED PLANS (BY OTHERS) REQUIRED TO CODE. COORDINATE LINE W/WATER CO.

14. WATER SERVICE APPROXIMATE AS SHOWN. GAS AND CABLE UTILITIES TO BE INSTALLED TO THE PROPOSED BUILDING APPROXIMATELY AS SHOWN (ALL SUBJECT TO FINAL DESIGN AND LOCATION AS REQUIRED BY UTILITIES VENDORS).

15. TOPOGRAPHY AND DETAIL FROM SURVEYS BY DOWN CAPE ENGINEERING, 2001 AERIAL TOPO, & ALTA SURVEY.

16. INTERNAL TRAFFIC SIGNAGE BY OTHERS. (MATCH CAMPUS FORMAT)

CAMPUS LAYOUT PLAN OF LAND

OF

ATTUCKS LANE HYANNIS, MA

PREPARED FOR

PERSEVERANCE

DATE: SEPTEMBER 17, 2008
REVISED: OCTOBER 14, 2008
REVISED: OCTOBER 30, 2008 (CCC STAFF COMMENTS)
REVISED: NOVEMBER 18, 2008 (CCC STAFF REPORT)
REVISED: DECEMBER 4, 2008 (FIRE & CCC COMMENTS)
PERMIT SET - NOT FOR CONSTRUCTION

PARKING CALCULATIONS

NEW BUILDINGS: 29,572 (1/300) X 2 =197.2
PROPOSED NEW SPACES 109 SPACES
EXISTING SPACES TO BE LOST 25 SPACES
NET CHANGE +84 SPACES

BUILDINGS TO USE UNDERUTILIZED CAMPUS PARKING, SEE TRAFFIC REPORT & SUPPLEMENTAL CALCULATIONS

FLOOR AREA RATIO

MAXIMUM FAR = .40

FLOOR AREA RATIO (FAR) TABLE

BUILDING	GROSS FLOOR AREA
#60 PERSEVERANCE WAY	34,001 SF
#70 PERSEVERANCE WAY	17,157 SF
#45-75 PERSEVERANCE WAY	131,280 SF
#15 PERSEVERANCE WAY (PROPOSED)	28,572 SF
#0 GONSALVES ROAD (PROPOSED)	29,572 SF
TOTAL	241,562 SF

FAR = GFA/LOT AREA = 241,562/854,785 = 0.28
FAR = 0.28 < 0.40 OK

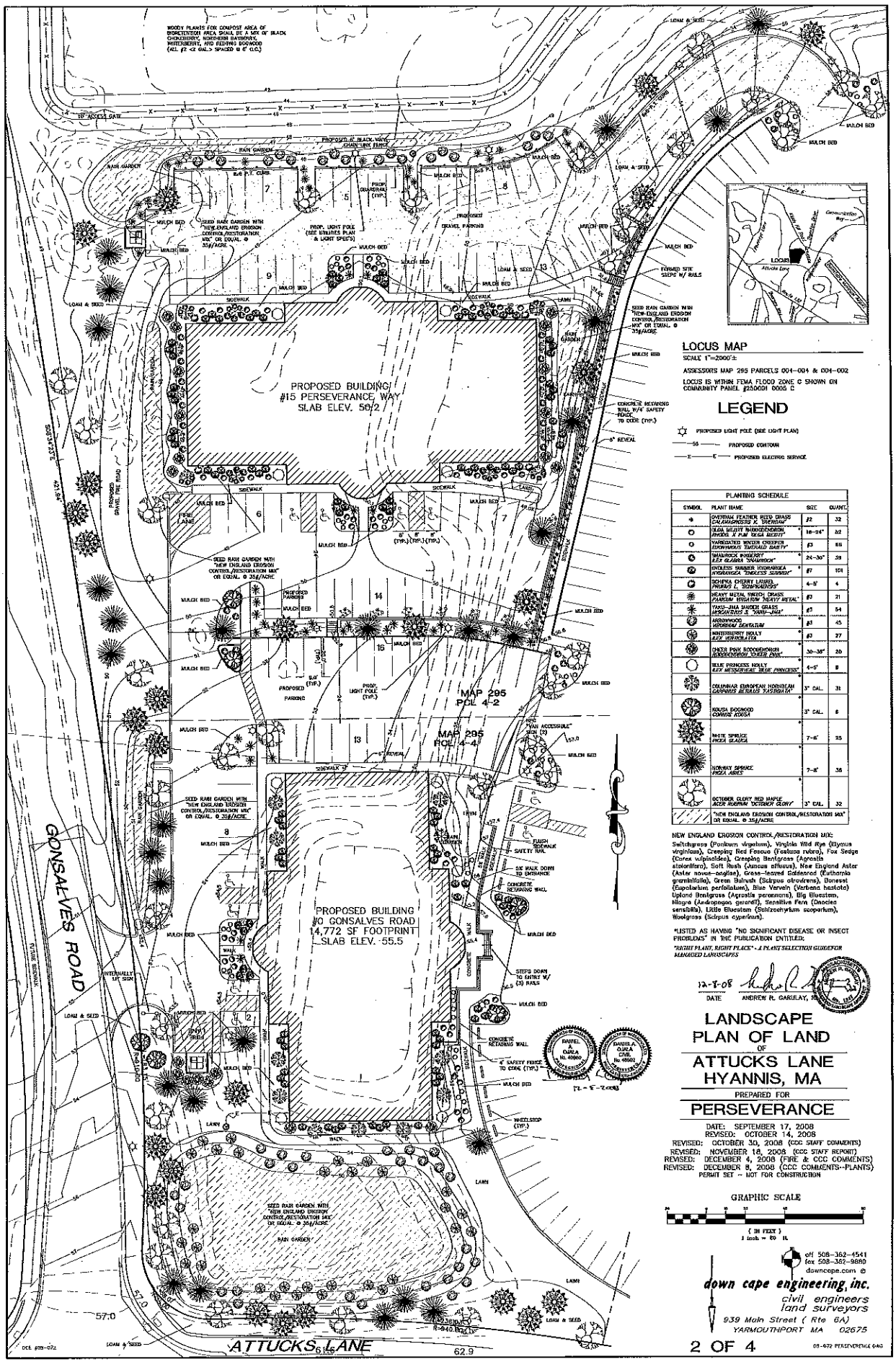
DANIELA OJALA CIVIL No. 46620 — DANIEL A. OJALA, P.L.S., P.E.
12-4-08 DATE

tel 508-362-4541
fax 508-362-9850
downcape.com ©
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675

DCE #08-072 — 08-072 PERSEVERENCE.DWG

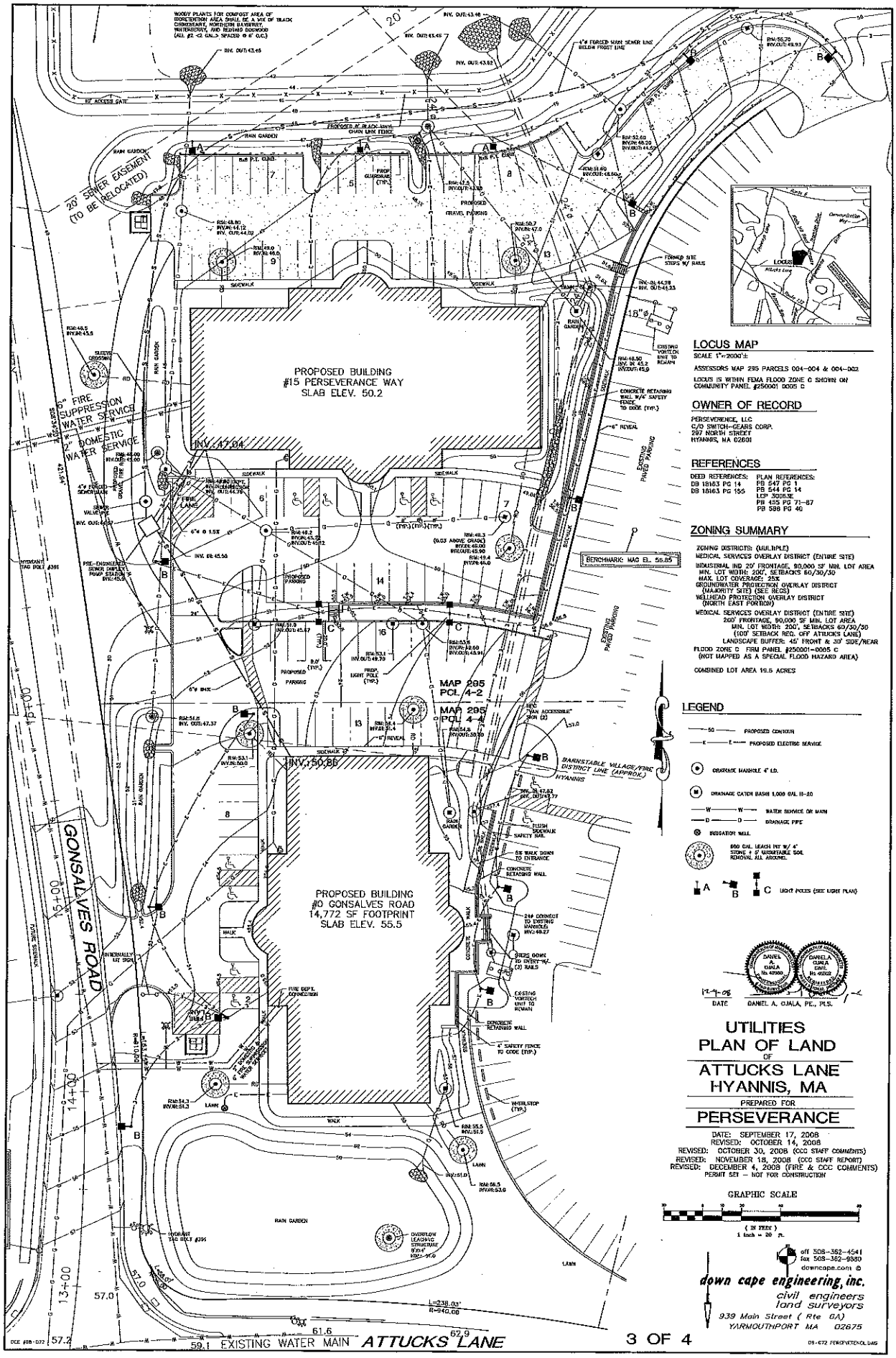
Exhibit A-1

Exhibit A-2



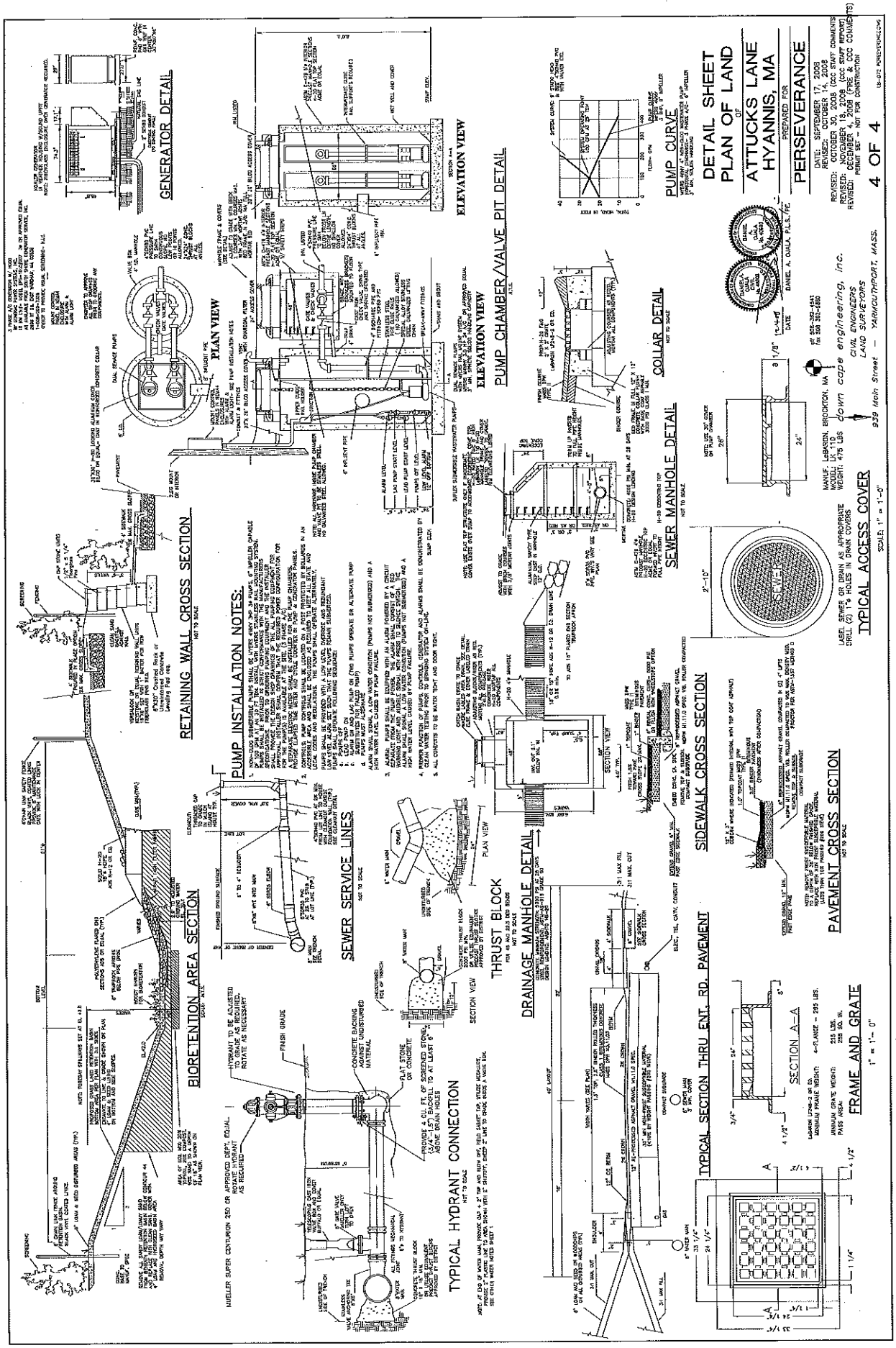
PROPOSED BUILDING
#15 PERSEVERANCE WAY
SLAB ELEV. 56.2
PROPOSED BUILDING
#0 GONSALVES ROAD
14,772 SF FOOTPRINT
SLAB ELEV. 55.5
MAP 295
PCL 4-2
MAP 295
PCL 4-4
GONSALVES ROAD
ATTUCKS LANE
LOCUS MAP
SCALE 1"=2000'±
ASSESSORS MAP 295 PARCELS 004-004 & 004-002
LOCUS IS WITHIN FEMA FLOOD ZONE C SHOWN ON COMMUNITY PANEL #250001 0005 C
LEGEND
PROPOSED LIGHT POLE (SEE LIGHT PLAN)
PROPOSED CONTOUR
PROPOSED ELECTRIC SERVICE
PLANTING SCHEDULE
SYMBOL
PLANT NAME
SIZE
QUANT.
OVERDAM FEATHER REED GRASS
CALAMAGROSTIS X. 'OVERDAM'
#2
32
OLGA MEZITT RHODODENDRON
RHODO. X P.M. 'OLGA MEZITT'
18-24"
62
VARIEGATED WINTER CREEPER
EUONYMOUS 'EMERALD GAIETY'
#3
66
SHAMROCK INKBERRY
ILEX GLABRA 'SHAMROCK'
24-30"
39
ENDLESS SUMMER HYDRANGEA
HYDRANGEA 'ENDLESS SUMMER'
#7
101
SCHIPKA CHERRY LAUREL
PRUNUS L. 'SCHIPKAENSIS'
4-5'
4
HEAVY METAL SWITCH GRASS
PANICUM VIRGATUM 'HEAVY METAL'
#3
21
YAKU-JIMA MAIDEN GRASS
MISCANTHUS S. 'YAKU-JIMA'
#3
54
ARROWWOOD
ARROWWOOD DENTATUM
#3
45
WINTERBERRY HOLLY
ILEX VERTICILLATA
#3
27
CHEER PINK ROODDENDRON
ROODDENDRON 'CHEER PINK'
30-36"
20
BLUE PRINCESS HOLLY
ILEX MESSERVEAE 'BLUE PRINCESS'
4-5'
9
COLUMNAR EUROPEAN HORNBEAM
CARPINUS BETULUS 'FASTIGIATA'
3" CAL.
31
KOUSA DOGWOOD
CORNUS KOUSA
3" CAL.
6
WHITE SPRUCE
PICEA GLAUCA
7-8'
25
NORWAY SPRUCE
PICEA ABIES
7-8'
36
OCTOBER GLORY RED MAPLE
ACER RUBRUM 'OCTOBER GLORY'
3" CAL.
32
"NEW ENGLAND EROSION CONTROL/RESTORATION MIX" OR EQUAL @ 35#/ACRE
NEW ENGLAND EROSION CONTROL/RESTORATION MIX:
Switchgrass (Panicum virgatum), Virginia Wild Rye (Elymus virginicus), Creeping Red Fescue (Festuca rubra), Fox Sedge (Carex vulpinoidea), Creeping Bentgrass (Agrostis stolonifera), Soft Rush (Juncus effusus), New England Aster (Aster novae-angliae), Grass-leaved Goldenrod (Euthamia graminifolia), Green Bulrush (Scirpus atrovirens), Boneset (Eupatorium perfoliatum), Blue Vervain (Verbena hastata) Upland Bentgrass (Agrostis perennans), Big Bluestem, Niagra (Andropogon gerardii), Sensitive Fern (Onoclea sensibilis), Little Bluestem (Schizachyrium scoparium), Woolgrass (Scirpus cyperinus).
*LISTED AS HAVING "NO SIGNIFICANT DISEASE OR INSECT PROBLEMS" IN THE PUBLICATION ENTITLED:
"RIGHT PLANT, RIGHT PLACE" - A PLANT SELECTION GUIDE FOR MANAGED LANDSCAPES
12-8-08
DATE
ANDREW R. GARULAY, RLA
LANDSCAPE
PLAN OF LAND
OF
ATTUCKS LANE
HYANNIS, MA
PREPARED FOR
PERSEVERANCE
DATE: SEPTEMBER 17, 2008
REVISED: OCTOBER 14, 2008
REVISED: OCTOBER 30, 2008 (CCC STAFF COMMENTS)
REVISED: NOVEMBER 18, 2008 (CCC STAFF REPORT)
REVISED: DECEMBER 4, 2008 (FIRE & CCC COMMENTS)
REVISED: DECEMBER 8, 2008 (CCC COMMENTS--PLANTS)
PERMIT SET - NOT FOR CONSTRUCTION
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
off 508-362-4541
fax 508-362-9880
downcape.com
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
2 OF 4
08-072 PERSEVERENCE DWG

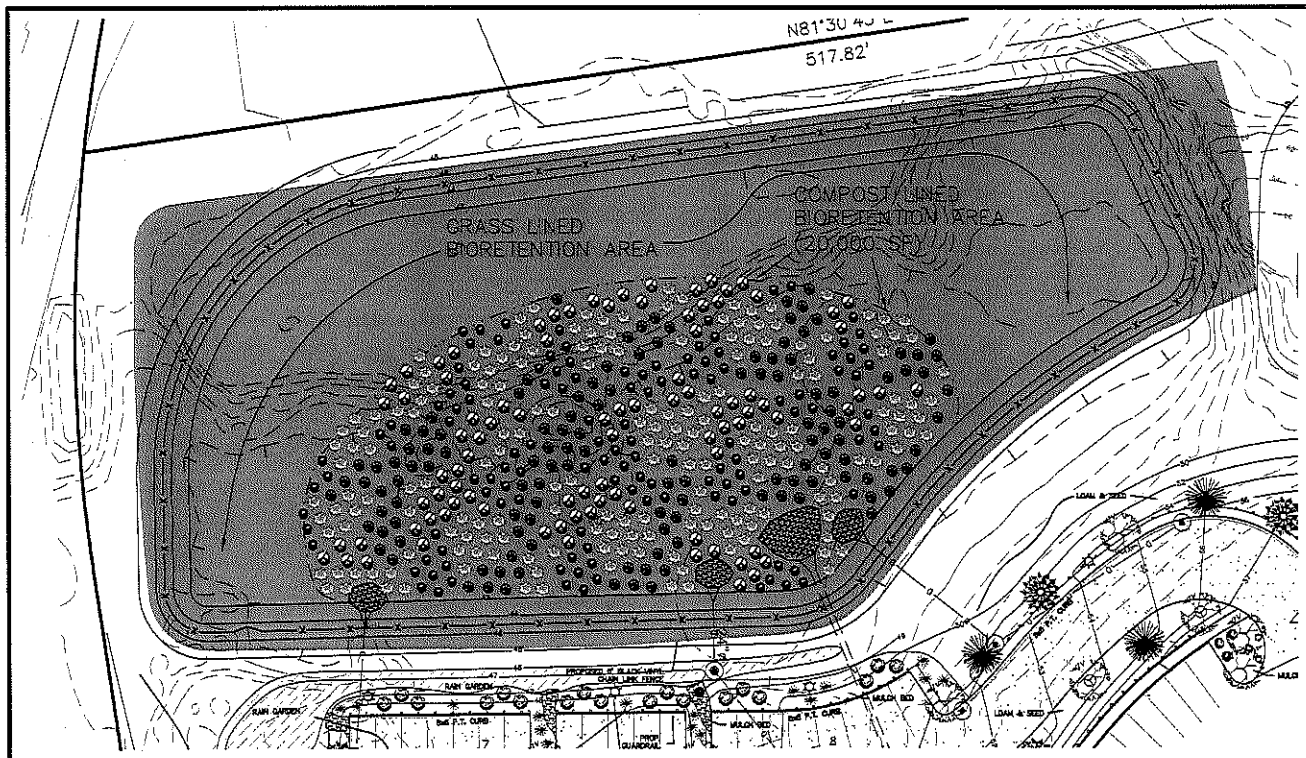
Exhibit A-3



PROPOSED BUILDING
#15 PERSEVERANCE WAY
SLAB ELEV. 50.2
PROPOSED BUILDING
#0 GONSALVES ROAD
14,772 SF FOOTPRINT
SLAB ELEV. 55.5
20' SEWER EASEMENT (TO BE RELOCATED)
6" FIRE SUPPRESSION WATER SERVICE
2" DOMESTIC WATER SERVICE
MAP 295 PCL 4-2
MAP 295 PCL 4-4
GONSALVES ROAD
ATTUCKS LANE
EXISTING WATER MAIN
BARNSTABLE VILLAGE/FIRE DISTRICT LINE (APPROX.)
HYANNIS
BENCHMARK: MAG EL. 56.85
LOCUS MAP
SCALE 1"=2000'±
ASSESSORS MAP 295 PARCELS 004-004 & 004-002
LOCUS IS WITHIN FEMA FLOOD ZONE C SHOWN ON COMMUNITY PANEL #250001 0005 C
OWNER OF RECORD
PERSEVERENCE, LLC
C/O SWITCH-GEARS CORP.
297 NORTH STREET
HYANNIS, MA 02601
REFERENCES
DEED REFERENCES:
DB 18163 PG 14
DB 18163 PG 155
PLAN REFERENCES:
PB 547 PG 1
PB 544 PG 14
LCP 30053E
PB 455 PG 71-87
PB 586 PG 40
ZONING SUMMARY
ZONING DISTRICTS: (MULTIPLE)
MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)
INDUSTRIAL IND 20' FRONTAGE, 90,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 60/30/30
MAX. LOT COVERAGE: 25%
GROUNDWATER PROTECTION OVERLAY DISTRICT (MAJORITY SITE) (SEE REGS)
WELLHEAD PROTECTION OVERLAY DISTRICT (NORTH EAST PORTION)
MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)
200' FRONTAGE, 90,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 60/30/30
(100' SETBACK REQ. OFF ATTUCKS LANE)
LANDSCAPE BUFFER: 45' FRONT & 30' SIDE/REAR
FLOOD ZONE C FIRM PANEL #250001-0005 C
(NOT MAPPED AS A SPECIAL FLOOD HAZARD AREA)
COMBINED LOT AREA 19.6 ACRES
LEGEND
PROPOSED CONTOUR
PROPOSED ELECTRIC SERVICE
DRAINAGE MANHOLE 4' I.D.
DRAINAGE CATCH BASIN 1,000 GAL H-20
WATER SERVICE OR MAIN
DRAINAGE PIPE
INDICATION WELL
LIGHT POLES (SEE LIGHT PLAN)
DATE
DANIEL A. OJALA, PE., PLS.
UTILITIES
PLAN OF LAND
OF
ATTUCKS LANE
HYANNIS, MA
PREPARED FOR
PERSEVERANCE
DATE: SEPTEMBER 17, 2008
REVISED: OCTOBER 14, 2008
REVISED: OCTOBER 30, 2008 (CCC STAFF COMMENTS)
REVISED: NOVEMBER 18, 2008 (CCC STAFF REPORT)
REVISED: DECEMBER 4, 2008 (FIRE & CCC COMMENTS)
PERMIT SET - NOT FOR CONSTRUCTION
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
off 508-362-4541
fax 508-362-9880
downcape.com
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
3 OF 4

Exhibit A-4

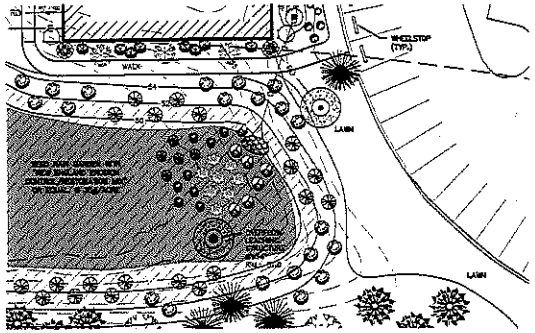

DETAIL SHEET
PLAN OF LAND
OF
ATTUCKS LANE
HYANNIS, MA
PREPARED FOR
PERSEVERANCE
DATE: SEPTEMBER 17, 2008
REVISED: OCTOBER 14, 2008
REVISED: OCTOBER 30, 2008 (CCC STAFF COMMENTS)
REVISED: NOVEMBER 18, 2008 (CCC STAFF REPORT)
REVISED: DECEMBER 4, 2008 (FIRE & CCC COMMENTS)
PERMIT SET - NOT FOR CONSTRUCTION
4 OF 4
GENERATOR DETAIL
ELEVATION VIEW
PLAN VIEW
ELEVATION VIEW
PUMP CHAMBER/VALVE PIT DETAIL
PUMP CURVE
COLLAR DETAIL
SEWER MANHOLE DETAIL
TYPICAL ACCESS COVER
RETAINING WALL CROSS SECTION
PUMP INSTALLATION NOTES:
BIORETENTION AREA SECTION
SEWER SERVICE LINES
THRUST BLOCK
DRAINAGE MANHOLE DETAIL
SIDEWALK CROSS SECTION
PAVEMENT CROSS SECTION
TYPICAL HYDRANT CONNECTION
TYPICAL SECTION THRU ENT. RD. PAVEMENT
SECTION A-A
FRAME AND GRATE
down cape engineering, inc.
CIVIL ENGINEERS
LAND SURVEYORS
939 Main Street - YARMOUTHPORT, MASS.



BIORETENTION SHRUB PLANTING SCHEDULE			
SYMBOL	PLANT NAME	SIZE	QUANT.
	BLACK CHOKEBERRY *ARONIA MELANOCARPA*	#2	100
	REDOSIER RED TWIG DOGWOOD *CORNUS SERICEA*	#2	197
	NORTHERN BAYBERRY *MYRICA PENSYLVANICA*	#2	129
	WINTERBERRY HOLLY *ILEX VERTICILLATA*	#2	131

Scale: 1" = 40'

0 20 40 60 80 100 FEET



BIORETENTION WOODY PLANTING SKETCH PLAN

OF

ATTUCKS LANE
HYANNIS, MA

PREPARED FOR

PERSEVERANCE

DATE: DECEMBER 4, 2008

MASSACHUSETTS
ANDREW R. GARULAY
No. 1947
REGISTERED LANDSCAPE ARCHITECT

12-4-08
DATE

ANDREW R. GARULAY, RLA

off 508-362-4541
fax 508-362-9850
downcape.com

down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675

Exhibit A-5

Exhibit A-6

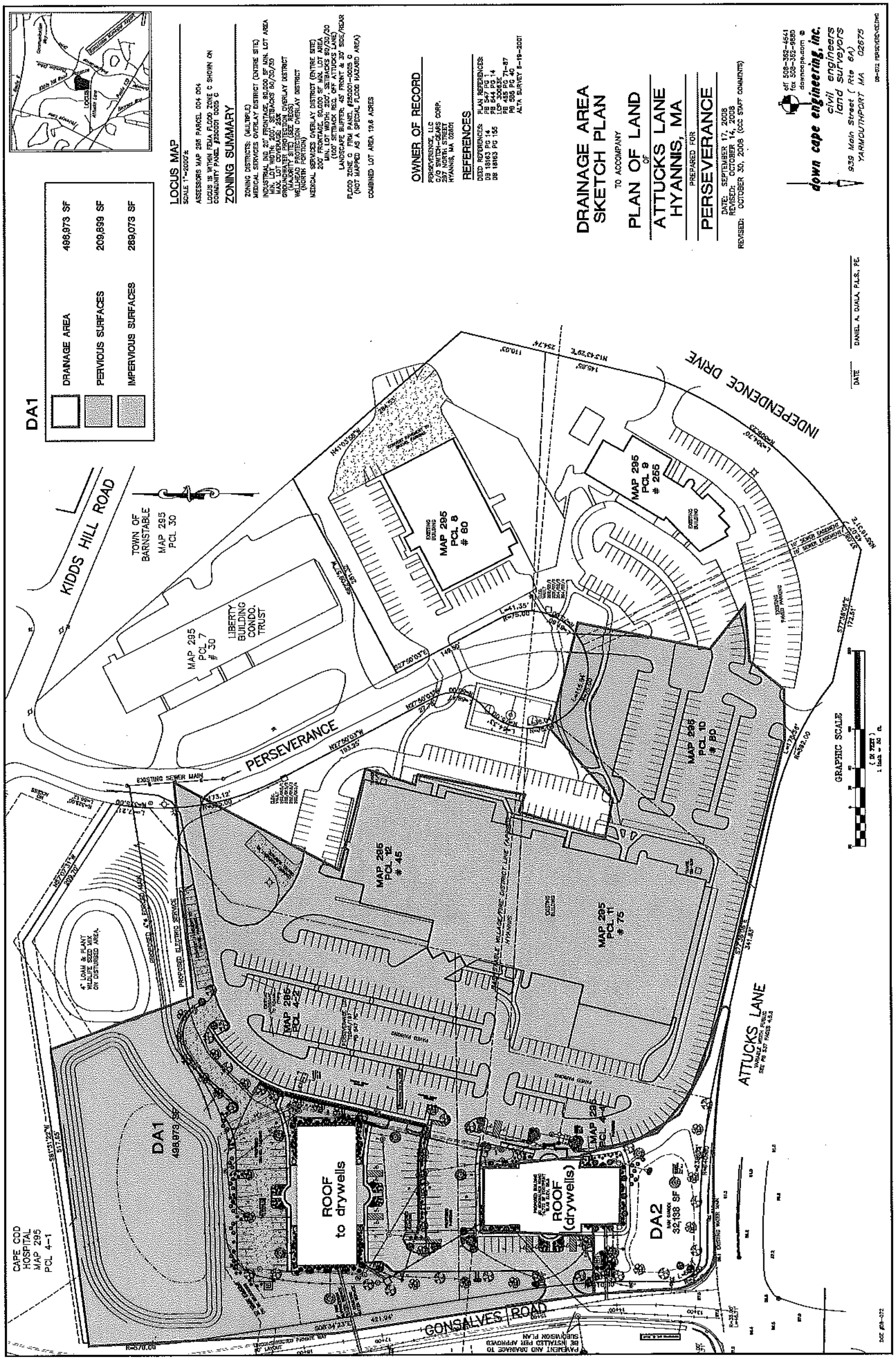
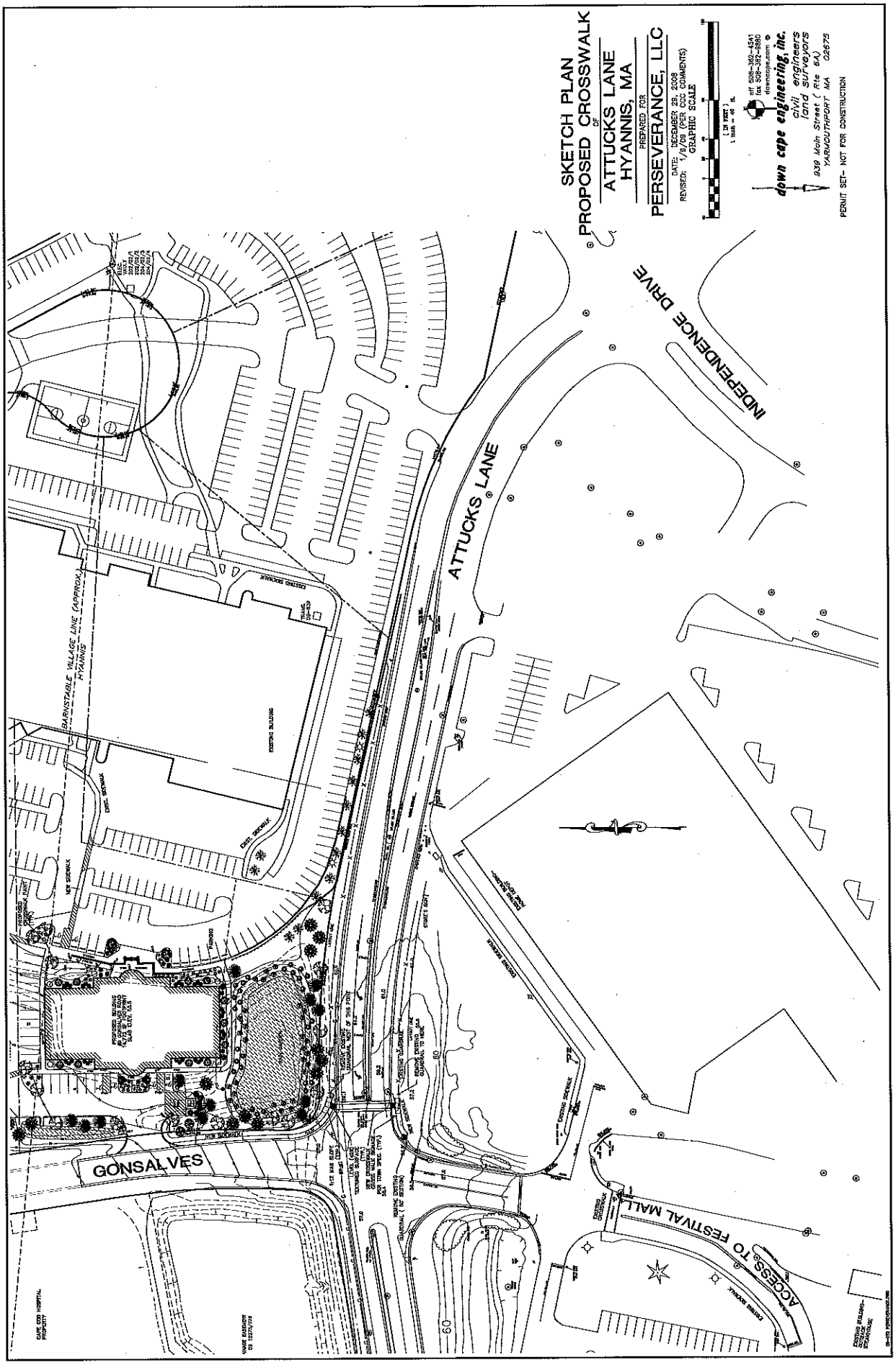
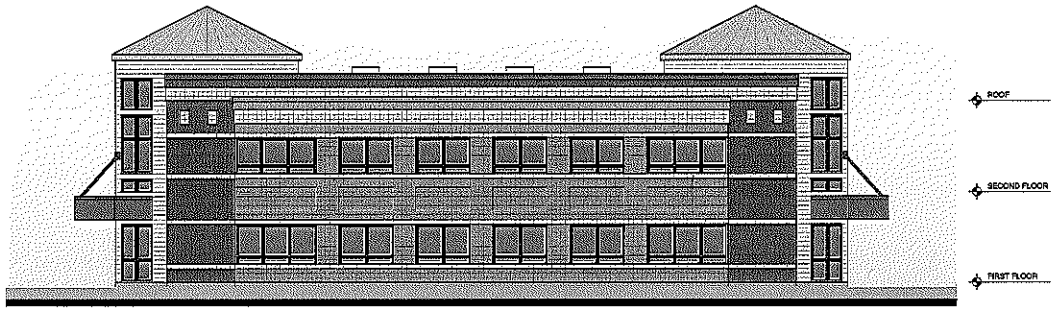

DRAINAGE AREA
SKETCH PLAN
TO ACCOMPANY
PLAN OF LAND
OF
ATTUCKS LANE
HYANNIS, MA
PREPARED FOR
PERSEVERANCE
DATE: SEPTEMBER 17, 2008
REVISED: OCTOBER 14, 2008
REVISED: OCTOBER 30, 2008 (CCC STAFF COMMENTS)
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
DANIEL A. OJALA, P.L.S., P.E.
DATE
DA1
DRAINAGE AREA 498,973 SF
PERVIOUS SURFACES 209,899 SF
IMPERVIOUS SURFACES 289,073 SF
LOCUS MAP
ZONING SUMMARY
OWNER OF RECORD
REFERENCES
KIDDS HILL ROAD
TOWN OF BARNSTABLE
MAP 295
PCL 30
MAP 295
PCL 7
30
LIBERTY BUILDING CONDO. TRUST
MAP 295
PCL 8
60
MAP 295
PCL 9
255
INDEPENDENCE DRIVE
PERSEVERANCE
MAP 295
PCL 12
45
MAP 295
PCL 11
75
MAP 295
PCL 10
90
ATTUCKS LANE
CAPE COD HOSPITAL
MAP 295
PCL 4-1
DA1
498,973 SF
ROOF
to drywells
ROOF
(drywells)
DA2
32,138 SF
GONSALVES ROAD
GRAPHIC SCALE

Exhibit A-7


SKETCH PLAN
PROPOSED CROSSWALK
OF
ATTUCKS LANE
HYANNIS, MA
PREPARED FOR
PERSEVERANCE, LLC
DATE: DECEMBER 29, 2008
REVISED: 1/9/09 (PER CCC COMMENTS)
GRAPHIC SCALE
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
PERMIT SET- NOT FOR CONSTRUCTION
INDEPENDENCE DRIVE
ATTUCKS LANE
GONSALVES
ACCESS TO FESTIVAL MALL
BARNSTABLE VILLAGE LINE (APPROX.)
HYANNIS
EXISTING BUILDING
EXIST. SIDEWALK
NEW SIDEWALK
EXISTING SIDEWALK
CAPE COD HOSPITAL PROPERTY

FRONT AND REAR ELEVATION



LEFT AND RIGHT ELEVATION

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DOUGLAS SANFORD ASSOCIATES INC.
22 CLAY HILL DRIVE
PLYMOUTH, MA 02360
PHONE & FAX
(508) 747-4309

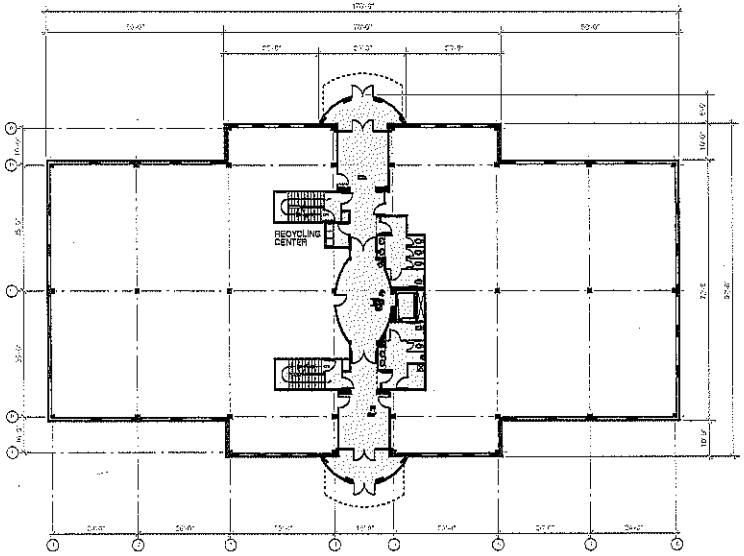
PERSEVERANCE LLC
ATTUCKS WAY
HYANNIS, MA

sanford associates

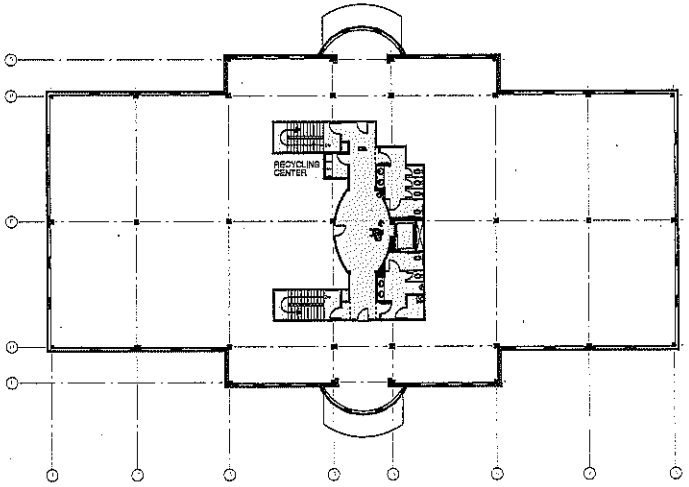
REVISIONS
12/16/08
ROOF OF ENTRY FEATURE ADJUSTED AND MEDALLIONS ADDED

DRAWN DKS
CHECKED DKS
SCALE 1/8"=1'-0"
DATE DEC. 15, 2008
TITLE
CONCEPT ELEVATIONS
SHEET
C17

Exhibit A-8



FIRST FLOOR PLAN



SECOND FLOOR PLAN

SELECTED FLOOR PLANS

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DOUGLAS SANFORD ASSOCIATES INC.
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PLYMOUTH, MA 02360
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(508) 747-4300

PERSEVERANCE LLC
ATTUCKS WAY
HYANNIS, MA

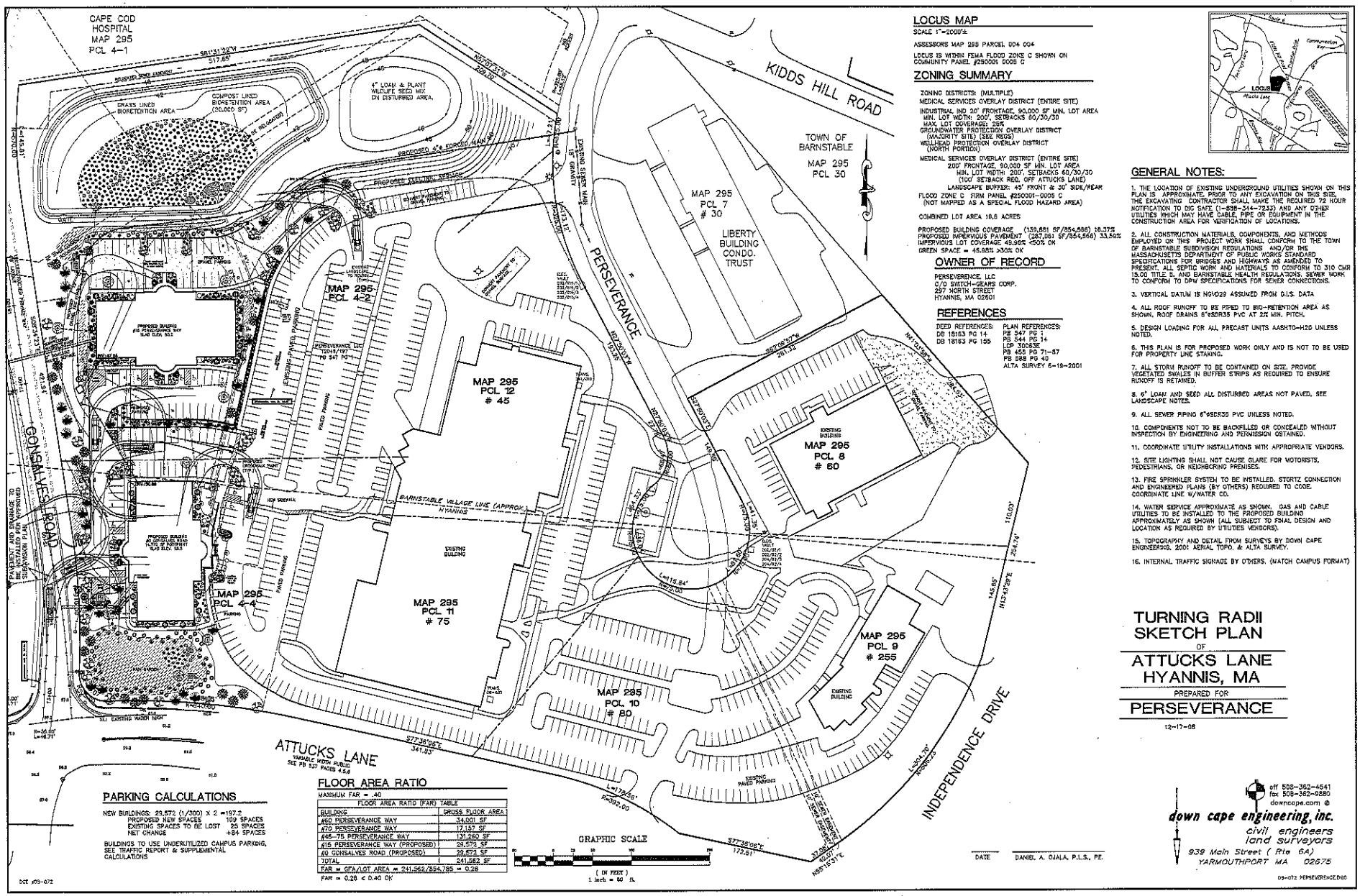
sanford associates

REVISIONS

DRAWN DKS
CHECKED DKS
SCALE 1/16"=1'-0"
DATE JAN. 13, 2009
TITLE
FLOOR PLANS

SHEET
C19

Exhibit A-9



LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 295 PARCEL 004 004

LOCUS IS WITHIN FEMA FLOOD ZONE C SHOWN ON COMMUNITY PANEL #250001 0005 C

ZONING SUMMARY

ZONING DISTRICTS: (MULTIPLE)
MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)
INDUSTRIAL IND 20' FRONTAGE, 90,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 50/30/30
MAX. LOT COVERAGE: 25%
GROUNDWATER PROTECTION OVERLAY DISTRICT (MAJORITY SITE) (SEE REGS)
WELLHEAD PROTECTION OVERLAY DISTRICT (NORTH PORTION)

MEDICAL SERVICES OVERLAY DISTRICT (ENTIRE SITE)
200' FRONTAGE, 90,000 SF MIN. LOT AREA
MIN. LOT WIDTH: 200', SETBACKS 50/30/30
(100' SETBACK REQ. OFF ATTUCKS LANE)
LANDSCAPE BUFFER: 45' FRONT & 30' SIDE/REAR

FLOOD ZONE C FIRM PANEL #250001-0005 C
(NOT MAPPED AS A SPECIAL FLOOD HAZARD AREA)

COMBINED LOT AREA 19.6 ACRES

PROPOSED BUILDING COVERAGE (139,651 SF/854,566) 16.37%
PROPOSED IMPERVIOUS PAVEMENT (287,051 SF/854,566) 33.59%
IMPERVIOUS LOT COVERAGE 49.96% <50% OK
GREEN SPACE = 45.05% >30% OK

OWNER OF RECORD

PERSEVERENCE, LLC
C/O SWITCH-GEARS CORP.
297 NORTH STREET
HYANNIS, MA 02601

REFERENCES

DEED REFERENCES:
DB 18163 PG 14
DB 18163 PG 195

PLAN REFERENCES:
PB 547 PG 1
PB 544 PG 14
LCP 30063E
PB 455 PG 71-87
PB 388 PG 40
ALTA SURVEY 6-18-2001

GENERAL NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN IS APPROXIMATE. PRIOR TO ANY EXCAVATION ON THIS SITE, THE EXCAVATING CONTRACTOR SHALL MAKE THE REQUIRED 72 HOUR NOTIFICATION TO DIG SAFE (1-888-344-7233) AND ANY OTHER UTILITIES WHICH MAY HAVE CABLE, PIPE OR EQUIPMENT IN THE CONSTRUCTION AREA FOR VERIFICATION OF LOCATIONS.

2. ALL CONSTRUCTION MATERIALS, COMPONENTS, AND METHODS EMPLOYED ON THIS PROJECT WORK SHALL CONFORM TO THE TOWN OF BARNSTABLE SUBDIVISION REGULATIONS AND/OR THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR BRIDGES AND HIGHWAYS AS AMENDED TO PRESENT. ALL SEPTIC WORK AND MATERIALS TO CONFORM TO 310 CMR 15.00 TITLE 5, AND BARNSTABLE HEALTH REGULATIONS. SEWER WORK TO CONFORM TO DPW SPECIFICATIONS FOR SEWER CONNECTIONS.

3. VERTICAL DATUM IS NGVD29 ASSUMED FROM O.I.S. DATA

4. ALL ROOF RUNOFF TO BE PIPED TO BIO-RETENTION AREA AS SHOWN. ROOF DRAINS 6"ø SDR35 PVC AT 2% MIN. PITCH.

5. DESIGN LOADING FOR ALL PRECAST UNITS AASHTO-H20 UNLESS NOTED.

6. THIS PLAN IS FOR PROPOSED WORK ONLY AND IS NOT TO BE USED FOR PROPERTY LINE STAKING.

7. ALL STORM RUNOFF TO BE CONTAINED ON SITE. PROVIDE VEGETATED SWALES IN BUFFER STRIPS AS REQUIRED TO ENSURE RUNOFF IS RETAINED.

8. 6" LOAM AND SEED ALL DISTURBED AREAS NOT PAVED, SEE LANDSCAPE NOTES.

9. ALL SEWER PIPING 6"ø SDR35 PVC UNLESS NOTED.

10. COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY ENGINEERING AND PERMISSION OBTAINED.

11. COORDINATE UTILITY INSTALLATIONS WITH APPROPRIATE VENDORS.

12. SITE LIGHTING SHALL NOT CAUSE GLARE FOR MOTORISTS, PEDESTRIANS, OR NEIGHBORING PREMISES.

13. FIRE SPRINKLER SYSTEM TO BE INSTALLED. STORTZ CONNECTION AND ENGINEERED PLANS (BY OTHERS) REQUIRED TO CODE. COORDINATE LINE W/WATER CO.

14. WATER SERVICE APPROXIMATE AS SHOWN. GAS AND CABLE UTILITIES TO BE INSTALLED TO THE PROPOSED BUILDING APPROXIMATELY AS SHOWN (ALL SUBJECT TO FINAL DESIGN AND LOCATION AS REQUIRED BY UTILITIES VENDORS).

15. TOPOGRAPHY AND DETAIL FROM SURVEYS BY DOWN CAPE ENGINEERING, 2001 AERIAL TOPO, & ALTA SURVEY.

16. INTERNAL TRAFFIC SIGNAGE BY OTHERS. (MATCH CAMPUS FORMAT)

TURNING RADII SKETCH PLAN

OF

ATTUCKS LANE HYANNIS, MA

PREPARED FOR

PERSEVERANCE

12-17-08

PARKING CALCULATIONS

NEW BUILDINGS: 29,572 (1/300) X 2 =197.2
PROPOSED NEW SPACES 109 SPACES
EXISTING SPACES TO BE LOST 25 SPACES
NET CHANGE +84 SPACES

BUILDINGS TO USE UNDERUTILIZED CAMPUS PARKING, SEE TRAFFIC REPORT & SUPPLEMENTAL CALCULATIONS

FLOOR AREA RATIO

MAXIMUM FAR = .40

FLOOR AREA RATIO (FAR) TABLE	
BUILDING	GROSS FLOOR AREA
#60 PERSEVERANCE WAY	34,001 SF
#70 PERSEVERANCE WAY	17,157 SF
#45-75 PERSEVERANCE WAY	131,280 SF
#15 PERSEVERANCE WAY (PROPOSED)	29,572 SF
80 GONSALVES ROAD (PROPOSED)	29,572 SF
TOTAL	241,562 SF

FAR = GFA/LOT AREA = 241,562/854,785 = 0.28
FAR = 0.28 < 0.40 OK

DATE DANIEL A. OJALA, P.L.S., P.E.

off 508-362-4541
fax 508-362-9880
downcape.com @
down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675

DCE #05-072

09-072 PERSEVERENCE.DWG

Exhibit A-10