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CAPE COD  
COMMISSION

## DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION

DATE: OCTOBER 12, 2017

TO: ATTY. ELIZA COX, NUTTER MCCLENNEN AND FISH  
1471 IYANNOUGH ROAD, PO BOX 1630, HYANNIS, MA 02601

PROJECT APPLICANT/  
PROPERTY OWNER: JULIA HOTEL LLC C/O JITEN HOTEL MANAGEMENT INC  
495 WESTGATE DRIVE, BROCKTON, MA 02301

PROJECT: HYANNIS COURTYARD MARRIOTT EXPANSION (CCC#LR17010)

PROJECT SITE/LOCATION: 707 IYANNOUGH ROAD, HYANNIS, MA

TITLE INFORMATION: BOOK 13428 PAGE 150  
PLAN BOOK 561 PAGE 69 (PARCEL A)

ASSESSOR'S ID: MAP 311 PARCEL 010

### SUMMARY

The Cape Cod Commission (Commission) hereby determines that the Project, involving construction of a proposed 31,470-square-foot (SF) expansion of the existing hotel located at 707 Iyannough Road, Hyannis, Massachusetts (Project), does not involve substantial deviation from the minimum performance standards of the Regional Policy Plan (RPP) and does not have significant impact upon the purposes and values identified by Section One of the Cape Cod Commission Act (Act), as conditioned herein, and that Julia Hotel, LLC (Applicant) may proceed with local permitting without further DRI review, subject to the conditions herein.

### PROJECT DESCRIPTION

The Applicant is proposing an approximately 31,470-SF, two-story addition to the existing hotel. The addition is proposed in the northeast corner of the 6.45-acre Project Site. The addition will accommodate 50 new hotel guest rooms, though overall the Project will result in a net increase of 49 guest rooms as one existing room will be eliminated to connect the proposed addition to

the existing building. The proposal also involves the reconfiguration of the access/egress on the project site's Iyannough Road frontage; changes to the front parking area; construction of new rows of parking to the rear (south) of the Project Site; and new landscaping, stormwater improvements, new pedestrian amenities, and other site improvements. (Project)

## **PROCEDURAL HISTORY**

The Applicant filed a DRI Scoping application with the Commission on May 19, 2017. The Applicant submitted additional materials in June, July, August and September of 2017. The DRI Scoping application was deemed complete on September 8, 2017.

At its public meeting on September 28, 2017, the Committee on Planning and Regulation (CPR) reviewed a draft DRI Scoping decision, in which the Executive Director of the Commission recommended that no further DRI review be required for the Project. The CPR recommended the draft decision to the full Commission for its consideration and a determination that no further DRI review is required for the Project. At its meeting on October 12, 2017, the full Commission held a hearing on the Project, and voted to adopt the draft DRI Scoping decision and find that the Project does not involve substantial deviation from the minimum performance standards of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Act, and that the Applicant may proceed with local permitting for the Project without further DRI review.

## **JURISDICTION**

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(e) of the Commission's *Enabling Regulations* (revised November 2014) as "*New construction of any building or buildings ... with a Gross Floor Area greater than 10,000 square feet.*"

In accordance with Section 5(a) of the *Enabling Regulations*, "[f]or any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review."

Pursuant to Section 5(e)(v) of the *Enabling Regulations*, upon submission and after review of such application, "*In the event of a finding that no DRI review is required, the Executive Director shall make the recommendation to the full Cape Cod Commission which shall render a final decision whether to allow a development to proceed without further DRI review ...*"

## **FINDINGS**

### **GENERAL FINDINGS**

The Commission hereby finds as follows:

GF1. The Applicant submitted an application to scope DRI review on May 19, 2017; the Scoping application was deemed complete on September 8, 2017.

GF2. The DRI Scoping application for the Project was reviewed subject to the 2009 Regional Policy Plan, as amended in August 2012 (RPP).

GF3. The Project constitutes redevelopment, and the Executive Director considered the Limited DRI Scoping Checklist for Redevelopment/ Change of Use (Scoping Checklist) in its review and deliberations on the DRI Scoping application.

GF4. The Applicant is proposing an approximately 31,470-SF, two-story addition to the existing hotel. The addition is proposed in the northeast corner of the 6.45-acre Project Site. The addition will accommodate 50 new hotel guest rooms, though overall the Project will result in a net increase of 49 guest rooms as one existing room will be eliminated to connect the proposed addition to the existing building. The proposal also involves the reconfiguration of the access/egress on the project site's Iyannough Road frontage; changes to the front parking area; construction of new rows of parking to the rear (south) of the project site; and new landscaping, stormwater improvements, new pedestrian amenities, and other site improvements. (Project)

GF5. The Project is proposed to be implemented and constructed in accordance with the following plan sets and other information and documents referenced herein:

*Hotel Renovation Site Re-Development Plans, 707 Iyannough Road, Hyannis, Massachusetts, prepared by Baxter Nye Engineering & Surveying, dated 2/15/2017, revised 7/27/2017*

Sheet Co.0: *Cover Sheet*  
Sheet C1.0: *Legend and General Notes*  
Sheet C2.0: *Existing Conditions Plan*  
Sheet C2.1: *Existing Conditions Plan*  
Sheet C3.0: *Master Layout Plan*  
Sheet C3.1: *Layout and Dimensions Plan*  
Sheet C3.2: *Layout and Dimensions Plan*  
Sheet C3.3: *Sight Distance Plan*  
Sheet C4.0: *Master Grading and Drainage Plan*  
Sheet C4.1: *Grading and Drainage Plan*  
Sheet C4.2: *Grading and Drainage Plan*  
Sheet C4.3: *Stormwater Management Facilities Enlargement Plan*  
Sheet C4.4: *Stormwater Details Plan*  
Sheet C5.0: *Utility Plan*  
Sheet C6.0: *Detail Sheet*  
Sheet C6.1: *Detail Sheet*  
Sheet C6.2: *Detail Sheet*  
Sheet C6.3: *Cultec Details*

*Courtyard by Marriott, 707 Iyannough Road, Hyannis, Massachusetts, prepared by Hawk Design Inc., dated 2/22/2017, revised 9/19/2017*

Sheet L1: *Planting Plan*  
Sheet L2: *Lighting Plan*  
Sheet D1: *Planting Details*  
Sheet D2: *Planting Notes*

*Alterations & Additions, Courtyard by Marriott, 707 Iyannough Rd, Hyannis, MA, prepared by HDS Architecture, dated 3/3/2017*

Sheet A1.0: *Floor Plans*

Sheet A1.1: *Roof Plans*, revised 6/15/2017

Sheet A2.0: *Elevations*

Sheet A2.1: *Elevations*, revised 6/15/2017

*Transportation Impact Assessment, Development of Regional Impact, Hyannis Marriott Courtyard Hotel Expansion, 707 Iyannough Road, Hyannis, Massachusetts, prepared by Vanasse & Associates Inc., dated 4/28/2017 (including Transportation Demand Management Plan), as supplemented by email communication from Jeffrey Dirk of Vanasse & Associates Inc., dated 8/25/2017, updating the transportation mitigation proposal, including the updated Master Layout Plan (Sheet C3.0) and Layout and Dimension Plan (Sheet C3.2) referenced above*

*Proposed Addition to Courtyard by Marriot Hotel – Hyannis, Energy Narrative for Cape Cod Commission Limited DRI Application, prepared by HDS Architecture, dated 3/3/2017 (including LEED checklist)*

*Site Operation and Maintenance Plan for Hyannis Marriot Courtyard, 707 Iyannough Road, Hyannis, Massachusetts, prepared by Baxter Nye Engineering & Surveying, dated 3/3/2017*

*Stormwater Management Report for Hyannis Marriot Courtyard, 707 Iyannough Road, Hyannis, Massachusetts, prepared by Baxter Nye Engineering & Surveying, dated 3/3/2017*

*Landscape Maintenance Contract, Courtyard Marriott, Hyannis, draft, dated 9/19/2017*

## RPP FINDINGS

### LAND USE

LUF1. The Project Site is located within a mapped Economic Center on the Commission-approved Land Use Vision Map (LUVVM) for the Town of Barnstable, thus the Project meets Minimum Performance Standard (MPS) LU1.1 (Development Location).

LUF2. The Project involves multi-story development and is proposed within a previously developed site. Thus, the Project does not involve substantial deviation from MPS LU1.2 (Compact Development).

LUF3. As the Project does not propose any capital facilities or infrastructure and is not on or adjacent to agricultural lands, the standards under Goals LU2 (Capital Facilities and Infrastructure) and LU3 (Rural Lands) do not apply.

LUF4. The Project neither involves substantial deviation from nor would have significant impacts upon the Land Use Goals of the RPP and standards thereunder, and thus does not require substantive DRI review for the RPP issue area of Land Use, which is hereby scoped out of DRI review.

#### ECONOMIC DEVELOPMENT

EDF1. The Project Site is located within a mapped Economic Center, thus the Project meets MPS ED1.1 (Location in Economic Centers).

EDF2. The Project is not located on agricultural, waterfront or recreational lands. Therefore, MPS ED1.4 (Resource-based Economic Areas) does not apply.

EDF3. The Project does not involve gaming. Therefore, MPS ED2.1 (Gaming) does not apply.

EDF4. As the Project does not propose any capital facilities or infrastructure, the standards under Goal ED4 (Infrastructure Capacity) do not apply to the Project.

EDF5. The Project neither involves substantial deviation from nor would have significant impacts upon the Economic Development Goals of the RPP and standards thereunder, and thus does not require substantive DRI review for the RPP issue area of Economic Development, which is hereby scoped out of DRI review.

#### WATER RESOURCES

WRF1. Although the Project Site is located within Commission-mapped Water Resources Wellhead Protection Area and Water Quality Improvement Area, the Project is connected to public sewer and is expected to result in a small reduction to site-wide nitrogen loading due to improved stormwater treatment. Thus, the Project is consistent with the MPS under Water Resources Goals WR1 (General Aquifer Protection), WR2 (Drinking Water Quality and Quantity), WR3 (Marine Water Embayments and Estuaries), WR4 (Freshwater Ponds and Lakes), WR5 (Water Quality Improvement Areas), and WR6 (Public and Private Wastewater Treatment Facilities)

WRF2. The Project involves significant improvements to stormwater patterns and treatment and minimizes the amount of additional impervious coverage on the Project Site by using permeable pavement. The proposed upgrades will result in an overall improvement of stormwater treatment using bioinfiltration and other Best Management Practices. Thus, the Project is consistent with the MPS under Water Resources Goal WR7 (Stormwater Quality).

WRF3. The Project neither involves substantial deviation from nor would have significant impacts upon the Water Resources Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Water Resources, and this issue area is hereby scoped out of DRI review.



## NATURAL RESOURCES

NRF1. The Project Site is mapped both in an Economic Center and as Significant Natural Resource Area (due to the presence of Commission-mapped Wellhead Protection Area), but the Project is not anticipated to negatively affect the water resources protected by this mapping. Additionally, the Project Site does not contain and is not proximate to wetlands or wetland buffer zones, and is not located on the coast or offshore. Development and redevelopment is encouraged to locate in mapped Economic Centers. There is some clearing proposed of existing vegetated areas of the Site; however, these areas are isolated from other naturally vegetated areas and do not contain significant wildlife habitat. The Project does not propose to disturb or alter more than two acres of previously undisturbed land, and is located on a developed site within a heavily developed surrounding area; thus the Project neither involves substantial deviation from nor would have significant impacts upon the Open Space and Recreation, Coastal Resources, Marine Resources, Wetlands, and Wildlife and Plant Habitat Goals of the RPP and standards thereunder, and the Project does not require substantive DRI review under these RPP issue or sub-issue areas, which are hereby scoped out of DRI review.

## TRANSPORTATION

TRF1. A Transportation Impact Assessment (TIA), submitted as part of the application materials, prepared by Vanasse & Associates, dated April 2017, provides transportation information in support of the application. The Applicant's proposed mitigation actions were revised in an email from Vanasse & Associates, dated August 25, 2017, and in revised plans incorporated herein under Finding GF5 and Condition C6.

TRF2. The trip generation estimates are based on trip generation data in *Institute of Transportation Engineers' (ITE) Trip Generation*, 9<sup>th</sup> Edition, for Land Use Code (LUC) 310, Hotel, which is an accurate characterization of the site, and the calculations were performed in accordance with Technical Bulletin 96-003. The estimated increase in traffic from the Project during different time periods is as presented in Table 1.

**Table 1: Estimated Project Trip Generation**

Time Period	Trip Generation (trips)		
	Existing Site Traffic <sup>1</sup>	Proposed Site Traffic <sup>2</sup>	Net New Trips
Saturday Daily Trips	850	1190	+340
Saturday Midday Peak Hour	86	108	+22

<sup>1</sup> Based on ITE LUC 310, Hotel, 119 Rooms

<sup>2</sup> Based on ITE LUC 310, Hotel, 168 Rooms (with 10% Travel Demand Management (TDM) plan reduction)

TRF3. The Scoping Checklist for limited Development of Regional Impact (DRI) contains the following transportation related questions:

**Table 2: Transportation Scoping Questions**

<i>Will the project generate more than 250 new daily trips?</i>	<b>Yes</b> , the project will generate more than 250 new daily trips, but safety improvements will fully mitigate additional trips.
<i>Will the project generate more than 25 new peak hour trips at a high crash location?</i>	<b>No</b> , the project will not generate more than 25 new peak hour trips through a high crash location.
<i>Does the project have direct access on or does the project abut a regional roadway?</i>	<b>Yes</b> , the project site abuts Iyannough Road (a regional road), but site access safety and overall roadway safety will be significantly improved from existing conditions by the Project.

TRF4. The TIA is detailed and provides a comprehensive assessment of the scale and nature of potential project impacts. The Project will result in the reduction in the number of site driveways, improved site drive design and construction of a length of raised median on Iyannough Road to discourage left turns, the inclusion of a sidewalk along the site frontage, and the commitment to implement a Transportation Demand Management (TDM) program tailored to the hotel use. It is also noted that the Project Site has an interconnect to the easterly abutting property, and the benefit of an easement to Route 28, which reduces the potential for concentrated traffic impacts from Site development along and to Iyannough Road.

TRF5. The TDM program, included in the TIA, involves the following actions and measures:

- An on-site transportation coordinator will be assigned to coordinate the traffic reduction program for the Project and work with the Town of Barnstable, MassRIDES (MassDOT's rideshare coordinator), and the CCC to develop and refine the elements of the trip reduction program for the Project;
- The hotel operator will become a MassRIDES employer partner to facilitate and encourage healthy transposition options for employees and guests of the Project, and to coordinate a carpool/vanpool matching program with other area commercial properties;
- Information regarding public transportation services, maps, schedules and fare information will be posted in a central location and will be available through links provided on the hotel website and social media accounts;
- Employees will be provided with a "welcome packet" that will detail available public transportation services, bicycle and walking alternative, and commuter options available

through MassRIDES' and their NuRide program which rewards individuals that choose to walk, bicycle, carpool, vanpool or that use public transportation to travel to and from work;

- Employees will be made aware of the Emergency Ride Home (ERH) program available through MassRIDES, which reimburses employees of a participating MassRIDES employer partner worksite that is registered for ERH and that carpool, take transit, bicycle, walk or vanpool to work;
- Direct deposit of employee payroll checks will be offered;
- Employees will be provided with access to kitchen facilities that include accommodations for meal storage and preparation;
- To the extent feasible, employee schedules will be coordinated so as to be consistent with public transportation schedules;
- Sidewalks will be provided within the Project site that will link the hotel building to the sidewalk infrastructure along Route 132;
- Lighting will be provided within the Project site and around the building perimeter to provide a safe and inviting pedestrian environment;
- Full handicapped access will be provided within the Project site and along internal circulating roadways where pedestrian accommodations are provided; and
- Secure bicycle parking will be provided that will be conveniently located proximate to the hotel entrance.

TRF6. The raised median will greatly improve safety in the area and offsets any potential transportation impacts of the Project. The raised median is proposed to extend past the eastern edge of the site drive. The design of the raised median and overall roadway cross-section will need to be reviewed and approved by the appropriate permitting authorities of the Town of Barnstable during local permitting, though Commission staff and the Applicant has already discussed this proposed median with town officials. This median extension, along with the sidewalk and TDM program, mitigate the transportation impacts of the Project as it relates to the requirements of the RPP.

TRF7. The Applicant shall institute the above-referenced transportation improvements, and thus, as so conditioned herein, the Project neither involves substantial deviation from nor would have significant impacts upon the Transportation Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Transportation, and this issue area is hereby scoped out of DRI review.

## WASTE MANAGEMENT

WMF1. The Project is located within a Wellhead Protection Area, but does not involve hazardous materials or wastes as defined by the RPP. Further, the Project will not create significant amounts of solid waste during the construction phase different from those wastes routinely



associated with new development, and thus does not require the preparation of a construction and demolition waste plan.

WMF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Waste Management Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Waste Management, and this issue area is hereby scoped out of DRI review.

## ENERGY

EF1. The Project proposes to be LEED-certifiable, complying with Goal E1 (Emissions and Energy Use).

EF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Energy Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Energy, and this issue area is hereby scoped out of DRI review.

## AFFORDABLE HOUSING

AHF1. The Project is located within an Economic Center as mapped on the LUVM for the Town of Barnstable.

AHF2. In accordance with MPS AH3.1 (Mitigation Standard), the Project's community contribution is calculated under the use of "Other" in accordance with Technical Bulletin 10-001.

AHF3. The Project falls under the NAICS code "Hotels (except Casino Hotels) and Motels" as used by the Bureau of Labor Statistics Occupational Employment Statistics (OES). Roughly 93.5% of jobs within the sector nationally pay below average wages per the OES. The OES average wage (\$23.86/hour nationally and \$23.66/hour for Barnstable County) is similar to income limits for affordable housing for those making 80% of Area Median Income (\$22.88/hour for Barnstable County).

AHF4. The Applicant has provided actual staffing numbers showing the number of workers per square foot to be below that shown in the most recent CBECS, and using the Applicant's current figure of 1 worker per 2366 square feet in the calculation of "Other" does not represent substantial deviation from the MPS of the RPP as it is consistent with the logic of the calculation outlined in Technical Bulletin 10-001

AHF5. MPS AH3.1, as adjusted in accordance with Finding AFH4, currently requires a payment of \$31,320 for the use of "Other" for the Project.

AHF6. The Applicant shall make a payment in the amount of \$31,320 to be used toward the development of Affordable Housing in the Town of Barnstable, and thus, as so conditioned herein, the Project neither involves substantial deviation from nor would have significant

impacts upon the Affordable Housing Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Affordable Housing, and this issue area is hereby scoped out of DRI review.

## HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Applicant submitted a Project Notification Form (PNF) to the Massachusetts Historical Commission (MHC) and MHC did not respond to the PNF within its 30-day comment period. Commission staff reviewed the Project and did not identify any archaeological sensitivity in the highly-disturbed surrounding area. Thus, the Project meets MPS HPCC1.3 (Archaeological Sites). The Project complies with HPCC1.1 (Historic Structures) and HPCC1.2 (Cultural Landscapes) because the Project will not impact any historic structures or cultural landscapes. There are no historic properties or districts within vicinity to the Project Site.

HPCCF2. The proposed addition will be located interior to the site and does not create or extend strip development, as required by MPS HPCC2.1 (Strip Development), and will eliminate a curb cut along Iyannough Road. The Project also meets MPS HPCC2.2 (Protection of Existing Roadway Character) as the location and size of the building and the proposed landscaping for the Project are consistent with surrounding development and will not significantly alter the existing character of the roadway.

HPCCF3. The proposed building has a building footprint of approximately 15,100 square feet. It is set well back from Iyannough Road and will be partially screened by other development, but will still be visible due to its size and the presence of open parking lots between it and the roadway. The Project incorporates variation to the building facades, to reduce the roof and eave height in some areas, and uses exterior building materials that will appear similar to traditional building materials. Thus, the Project meets MPS HPCC2.4 (Consistency with Regional Context or Surrounding Distinctive Character), HPCC2.5 (Footprints over 15,000 Square Feet), and HPCC2.6 (Building Forms and Facades).

HPCCF4. Although the Project maintains an existing parking area in the front of the building, new parking areas will be located to the rear of the building meeting MPS HPCC2.8 (Parking to the Side or Rear of Buildings). The Project proposes to create vegetated islands within the front parking lot, which will significantly improve the existing parking lot landscaping and will also help to break the parking lot up into smaller areas, meeting MPS HPCC2.9 (Landscape Improvements for Redevelopment) and HPCC2.10 (Landscape Plan Requirements). The Project also proposes substantial additions and improvements to the buffer area between the parking lot and Iyannough Road, as required by MPS HPCC2.9, by adding appropriate shrubs, trees, and plant beds. The Applicant has supplied a draft Landscape Maintenance Contract consistent with Commission requirements.

HPCCF5. Proposed exterior lighting is consistent with MPS HPCC2.11 (Exterior Lighting).

HPCCF6. As conditioned herein, if new signage is proposed, the Applicant is required to submit a sign plan to ensure that any new signage is consistent with MPS HPCC2.12 (Signage).

HPCCF7. The Project neither involves substantial deviation from nor would have significant impacts upon the Heritage Preservation/ Community Character Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Heritage Preservation/ Community Character, and this issue area is hereby scoped out of DRI review.

## **CONCLUSION**

Based on the foregoing findings, the Commission hereby further finds and determines that the Project as described in this decision does not involve substantial deviation from the minimum performance standards of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Act, does not require further DRI review and that the Applicant may proceed with local permitting for the Project without further DRI review, subject to the conditions below.

## **CONDITIONS**

- C1. The Applicant may undertake and obtain local permitting for the Project without further DRI review, pursuant to and consistent with this terms and conditions of this decision, within a period of seven years from the date of this decision, which time may be extended by the Commission, upon good cause shown by the Applicant.
- C2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.
- C3. Failure to comply, and remain in compliance, with all findings and conditions stated herein shall be deemed cause to revoke or modify this decision.
- C4. The Applicant shall obtain all necessary federal, state, and local permits for the Project.
- C5. This decision shall not be valid and effective until a copy of the same has been recorded with the Barnstable Registry of Deeds. The Commission shall record a copy of this decision with the Barnstable Registry of Deeds, with recording costs borne by the Applicant, after the decision's appeal period pursuant to Section 17 of the Cape Cod Commission Act has elapsed, or if such an appeal has been filed, after the appeal has been finally dismissed, settled or is adjudicated or otherwise disposed of in favor of the Applicant. No local development permit that might be issued for the proposed development approved herein shall be valid or effective until the Commission has so recorded a copy of this decision.
- C6. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced herein under Finding GF5. Changes to the approved Project and to the approved project plans shall require modification to this decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All plans and documents required to be submitted as conditions of this

decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by the Commission.

C7. Prior to and as a condition to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with this decision.

C8. Prior to and as a condition to issuance of any Preliminary Certificate of Compliance by the Commission for development as approved herein, the Applicant shall submit copies of final project plans as approved, and permits, licenses and approvals issued, by state, federal, and local authorities (except for a Building Permit) for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those project plans approved, referenced and incorporated herein, the Applicant shall be required to seek a modification to this decision for further review and approval of the project plan changes by the Commission in accordance with the “*Modification*” section of the Commission’s *Enabling Regulations* in effect at the time the modification is sought.

C9. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor. This decision and a copy of approved plans for the project shall be maintained on the Project Site throughout project construction.

C10. Prior to and as a condition to issuance of a Certificate of Use/Occupancy for the Project by the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

C11. Commission staff will undertake a review of the Project’s compliance with this decision, including the applicable conditions hereof, upon the Applicant’s request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a certificate, it shall provide Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission’s compliance review. As part of its compliance review, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

C12. The Applicant shall implement and construct the transportation improvements listed under Finding TRF4, including installation of a sidewalk along the Project Site's Iyannough Road frontage, redesign of the site drives, construction of a raised median in Iyannough Road, and the implementation of the TDM plan. These improvements shall be constructed, implemented, and maintained, as the case may be, in accordance with the plans and documents incorporated herein under Finding GF5 and Condition C6. The Applicant shall implement and construct said improvements prior to and as a condition to issuance of a Final Certificate of Compliance.

C13. The Applicant shall maintain the site drive such that no signs, vegetation, or other visual obstructions be placed in a manner that would create an obstruction to safe sight distance at the drive. Commission staff shall conduct a site visit to confirm that no such obstructions exist prior to and as a condition to issuance of a Final Certificate of Compliance.

C14. The Applicant shall offer to the Town of Barnstable a pedestrian right of way over and in the proposed sidewalk, which the Applicant shall negotiate with and grant to the Town should the Town be interested in and accept such pedestrian right of way. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide the Commission proof that it has offered the grant of such pedestrian right of way to the Town, and that the Town has received such offer.

C15. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Project shall pay to the Barnstable County Treasurer in care of the Commission an affordable housing mitigation payment of \$31,320, which payment shall be held for and made available to the Town of Barnstable to support projects or strategies that increase the availability of affordable housing in the Town.

C16. If new signage is proposed as part of the Project, the Applicant shall submit a sign plan consistent with MPS HPCC2.12 (Signage) for review and approval by Commission staff. Upon approval, said plan shall be incorporated by reference into the approved plan sets for the project included herein under Finding GF5 and Condition C6.

***SEE NEXT PAGE FOR SIGNATURES***



**SIGNATURES**

Executed this 12<sup>th</sup> day of October 2017.

Harold W Mitchell  
Signature

Harold W Mitchell - chair  
Print Name and Title

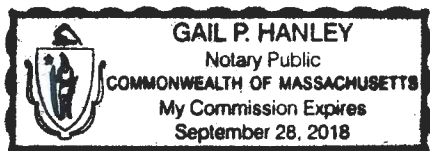
**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

October 12, 2017

Before me, the undersigned notary public, personally appeared Harold W. Mitchell,

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.



SEAL

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