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CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT EXTENSION DECISION

DATE: January 13, 2022

APPLICANT: DPF Mashpee LLC
c/o Eliza Cox, Esq.
Nutter, McClennen & Fish LLP
1471 Iyannough Road, P. O. Box 1630, Hyannis, MA 02601

PROJECT: South Cape Village (CCC Nos. 97007 and MOD02030)

SITE ADDRESS: Route 28 (Falmouth Road) & Donna's Lane, Mashpee

ASSESSOR'S ID: 81-4; 81-16; 81-25; 81-128

TITLE REFERENCE: Land Court CTF Title No. 205910
Land Court Plan No. 32122-C
BCRD Deed Book 28780 Page 94
BCRD Plan Book 271 Page 63
BCRD Plan Book 634 Pages 43 & 44

CAPE COD COMMISSION DRI DECISION FILED WITH LAND COURT AS DOC No. 969,897

1. The above-referenced Project has the benefit of a Cape Cod Commission development of regional impact decision, No. 97007, dated December 14, 2000, which was subsequently modified several times, including two major modifications (noted as CCC Project No. MOD02030) dated, respectively, April 10, 2003, and March 31, 2005 (collectively, the "DRI Permit").
2. One five-year extension of the DRI Permit was granted by a vote of the Committee on Planning and Regulation previously on October 1, 2015.
3. By virtue of the terms and conditions of the DRI Permit, the Commission's Enabling Regulations Governing Developments of Regional Impact, and Section 17(iii) of Chapter 53 of the Acts of 2020, the DRI Permit will expire July 6, 2022.
3. The DRI Permit approved construction of up to 160,000 square feet of shopping center space in eight (8) designated building footprint areas (known as Buildings A through H), together with

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associated landscaping, parking, drainage and other site and transportation improvements. Presently, the shopping center space consists of seven buildings (Buildings A-F and H), which collectively contain approximately 147,000 square feet of floor area.

4. The building known as Building G, remains unconstructed. The Commission issued a Preliminary Certificate of Compliance for Building G in November 2021. In that the DRI Permit requires issuance of the Final Certificate of Compliance (i.e. completion of construction) prior to expiration of DRI Permit, the extension is requested to allow the Applicant sufficient time to construct Building G, the final building phase approved under the DRI Permit.

5. The Applicant has stated in its request that good cause exists for an extension of the DRI Permit given the uncertainties associated with construction, particularly in these challenging and uncertain times.

6. The DRI Permit contains Conditions requiring Cape Cod Commission staff review of the Project to ensure compliance with the DRI approval. As such, when the proposed building is constructed and Project finalized, Commission staff will review the Project as constructed to ensure consistency with the Conditions of the DRI Permit and approved plans.

7. The requested extension will not result in any changes to the findings or conditions of the DRI Permit.

8. The Committee on Planning and Regulation (CPR), after public hearing and for good cause shown by the Applicant, hereby grants a five-year extension to the DRI Permit in accordance with Section 6(c)(xiv) of the Commission's Enabling Regulations. Pursuant to this extension, the period for the Applicant to obtain local permits, licenses, and approvals pursuant to the DRI Permit, for development authorized under and subject to said DRI Permit, shall now expire **July 6, 2027**.

Signature page(s) follow

SIGNATURE(S)

Executed this _____ day of January 2022

For the Cape Cod Commission by:

Elizabeth Taylor, Chair
Committee on Planning and Regulation

COMMONWEALTH OF MASSACHUSETTS
Barnstable, ss

January _____, 2022

Before me, the undersigned notary public, personally appeared _____,

whose name is signed on the preceding or attached document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose in her capacity as

_____ on behalf of the Cape Cod Commission.

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: _____

SEAL