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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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MINOR MODIFICATION TYPE #1 DECISION

DATE: March 13, 2019

OWNER/ APPLICANT: Mayflower Cape Cod LLC
c/o Michael D. Ford, Esq.
72 Main Street, P.O. Box 485
West Harwich, Massachusetts 02671

PROJECT: CAPE COD MALL (CCC File No. 96025)

PROJECT SITE/
PROPERTY: 793 Iyannough Road (Route 132), Hyannis, MA 02601
(Town Assessors Map 293 Parcel 24)

TITLE INFORMATION: Book 12517 Page 266
Book 12517 Page 239
Certificate of Title No. 154620
DRI Decision recorded in Book 12058 Page 51

Pursuant to Section 13 of Chapter A: the Cape Cod Commission (Commission) Enabling Regulations Governing Review of Developments of Regional Impact (Revised April 19, 2018), and Condition H2 of the above-referenced Development of Regional Impact (DRI) decision (dated January 29, 1998), the Commission hereby further amends said DRI decision as a Minor Modification Type #1 to allow *de minimus* changes to the approved Project.

The Project changes are described in the Applicant's modification request dated February 20, 2019, are depicted in the plans set out below, and involve redesign of portions of the façade fronting Route 132, within the western portion of the Mall building. The Applicant aims to create a 'small shop' look and feel within this portion of the building with the façade redesign (i.e. between the existing Macy's and Barnes & Noble stores). Relatedly, the Applicant proposes to construct a new 690 +/- sq. ft of building area (to be used by these 'small shops' tenants) which will 'infill' an existing loading area that is no longer needed for the Mall operations. Complementing the façade redesign, the Applicant proposes to reconfigure crosswalks, add parking field landscaping, and relocate 6 ADA parking spaces to better access and serve the redesigned space.

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The proposed changes are consistent with Cape Cod Mall design guidelines (incorporated into the above-referenced DRI decision) and Regional Policy Plan (RPP) Community Design goals in the use of windows and storefronts to create an active and pedestrian-friendly facade, the varied roof and facade details, and their use of exterior siding that simulates traditional building materials. The proposed Project changes do not involve a change in use, increased impacts to the resources protected by the Commission Act or the RPP, or a substantial amendment to the findings or conditions of the DRI decision.

The Applicant has obtained Site Plan approval (letter dated 12/7/2018) and a special permit (decision dated 12/20/2018) from the Town of Barnstable for the proposed Project changes.

As pursued, the Applicant shall undertake the Project changes and maintain the revised Project in accordance with the following plans. These plans are hereby incorporated by reference into the DRI decision, to supplement or substitute for, as the case may be, the approved plans set out in the DRI Decision. All findings and conditions in the DRI decision continue to apply as written except as modified herein;

- Site Plan set entitled “Small Shops Redevelopment, Cape Cod Mall, 793 Iyannough Rd., Barnstable (Hyannis), Massachusetts,” prepared by VHB for Owner/ Applicant Mayflower Cape Cod LLC consisting of the following sheets:
 - Cover Sheet
 - No. C-1: Legend and General Notes, dated November 19, 2018;
 - No. C-2: Overall Site Plan, dated February 25, 2019;
 - Nos. C-3: Layout and Materials Plan, dated February 25, 2019;
 - Nos. C-4: Grading, Drainage and Utility Plan, dated February 25, 2019;
 - Nos. C-5.1 & C-5.2: Site Details, dated November 19, 2018;
 - Nos. L-1; Planting Plan, dated February 25, 2019;
 - Nos. SV-1, SV-2, SV-3 & SV-4; Existing Conditions Plans of Land, 9/13/ 2018;
- Exterior Elevations entitled “Proposed Small Shops, Cape Cod Mall...Hyannis, MA 02601,” Sheet A20.01, prepared by Michael Crislip| Architect, dated 2.12.19;
- Roof Plan entitled “Proposed Small Shops, Cape Cod Mall...Hyannis, MA 02601,” Sheet A15.01, prepared by Michael Crislip| Architect, dated 11.5.18;
- Exterior Elevation Drawings “Target” (front, side and rear elevations), Sheet A201, Hyannis Cape Cod Mall, MA, 793 Iyannough Road, Hyannis, MA 02601 dated 5.30.18
- Architectural Renderings entitled “Small Shops, Simon Properties, Cape Cod Mall, Hyannis, MA,” prepared by Onyx| Creative, consisting of seven pages, dated 11.13.18;
- Material Board (of exterior finish materials and paint colors) for “Small Shops, Simon Properties, Cape Cod Mall, Hyannis, MA,” prepared by Onyx| Creative, dated 1.28.19.

Amenities such as patio seating and planters were depicted along the redesigned façade on the Architectural Renderings, but were not shown in the Site Plan set. As a condition of this modification decision, the Applicant shall provide and maintain the same or similar amenities along the redesigned westerly building facade.

Signature page follows

SIGNATURE PAGE

Executed this 13th day of March 2019.



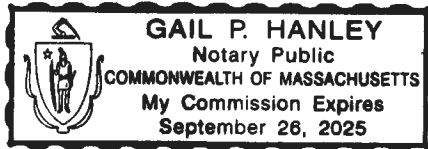
Jonathon Idman, Chief Regulatory Officer

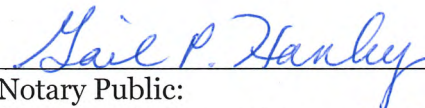
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March 13, 2019

Before me, the undersigned notary public, personally appeared Jonathon Idman in his capacity as Chief Regulatory Officer of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose 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 [x] personal knowledge of the undersigned.





Notary Public:
My Commission expires: 9-26-25

SEAL