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CAPE COD
COMMISSION

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DATE: September 19, 2019

OWNER/ APPLICANT: Switch Gears, LP
c/o Michael J. Princi, Esq.
Wynn & Wynn P.C.
300 Barnstable Road
Hyannis, MA 02601

PROJECT: Excel Switching Corp Corporate Facilities
(CCC File #08020)
75 Perseverance Way, Hyannis, MA 02601
(Assessor's Map 295 Parcel 011)

TITLE INFORMATION: Deed Book 25909 Page 191
CCC Decision recorded in Deed Book 23495 Page 188

Re: Extension - CCC Decision

FINDINGS

1. The above-referenced Project has the benefit of a Development of Regional Impact (DRI)/ Hardship Exemption decision dated January 22, 2009 under which the Cape Cod Commission approved, with Conditions, the construction of two, two-story office buildings and supporting improvements on an 8.76-acre site within Excel's then existing 19.6-acre corporate campus. (the "DRI Permit").
2. By virtue of the terms and Conditions in the DRI Permit, the Commission's *Chapter A: Enabling Regulations Governing Developments of Regional Impact* (as amended), and the Commonwealth's Permit Extension Act, the DRI Permit is currently valid and in effect until January 22, 2020.
3. By letter request dated August 7, 2019, Switch Gears, LP ("Applicant"), successor to original owner/ applicant Perseverance LLC, has applied to the Commission for a five-year extension to the DRI Permit pursuant to Section 7 of said *Enabling Regulations*.
4. The Applicant requests the extension to allow for local permitting, construction and completion of the Project. The Applicant states that the economic recession in 2009, among other things, delayed construction of and chilled lease negotiations within the

Project. The Applicant expects that, if the DRI Permit is extended, the Project will be completed and substantially occupied by January 22, 2025.

5. Section 7 of the *Enabling Regulations*, in relevant part, authorizes the Commission's Committee on Planning and Regulation, upon request and after public hearing, to grant an extension of a DRI Permit for up to five years where it will result in a minimal change or no changes to the Findings or Conditions in the DRI Permit.

6. The requested extension will not change the Findings or Conditions of the DRI Permit, other than to the effective period of the DRI Permit, and will not interfere with or frustrate the Commission's intent underlying the Findings and Conditions.

7. The extended vesting of development rights under the DRI Permit will not prejudice the public interests served through the Commission's regulatory jurisdiction and review:

- Redevelopment of the Property for office use as authorized under the DRI Permit remains permissible, appropriate and desirable in the form and location approved under the DRI Permit;
- As conditioned, the DRI Permit continues to provide sufficient mitigation of any adverse effects of the Project on protected interests and resources of regional significance and concern;
- The Cape Cod Commission through staff maintains sufficient administrative oversight of the Project under the DRI Permit to, among other things, ensure that the Project is pursued consistent with the DRI Permit and the Regional Policy Plan;
- Relevant circumstances have not changed so greatly since approval to warrant new DRI review of the Project;
- The town and private actors have pursued the development of infrastructure in the area surrounding and including the Project Site, independent of and in addition to the infrastructure mitigation requirements set out in the DRI Permit yet to be provided as the Project is constructed.

CONCLUSION

The Committee on Planning and Regulation (CPR), after public hearing and having determined good cause shown by the Applicant, hereby grants a five-year extension to the DRI Permit in accordance with Section 7(c)(xiv) of the *Enabling Regulations*. The DRI Permit shall now be valid and in effect until **January 22, 2025**, during which period the Applicant may obtain local permits, licenses and approvals consistent with the DRI Permit.

Signature page follows

SIGNATURE PAGE

Executed this 19th day of September 2019.

For the Committee on Planning and Regulation by:


Elizabeth Taylor, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

September 19, 2019

Before me, the undersigned notary public, personally appeared Elizabeth Taylor, whose name is signed on the preceding document, and such person acknowledged to me that she signed such document voluntarily for its stated purpose in her capacity as Chair of the Cape Cod Commission's Committee on Planning and Regulation. 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.

SEAL





Notary Public
My Commission Expires: