3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD COMMISSION

Cape Cod Commission Staff Memo

DATE: January 15, 2026

TO: Cape Cod Commission

RE: Development of Regional Impact Exemption
Southwind Plaza II (CCC File No. 25028)

Project Description

The Applicant, CR Southwind, LLC, proposes to divide approximately 31.13 acres of land into six (6) separate parcels (the Project). The parcels comprise the Southwind Plaza retail properties located at Rt. 132 (Iyannough Road), Independence Drive, and Attucks Lane Extension in Hyannis. No new development or expansion of existing development is proposed as part of this division. The parcels proposed to be divided are shown on the plan set titled "Approval Not Required Plan of Land, 65 Independence Drive & 990 Iyannough Road," dated 6/16/2025, as revised 12/18/2025.

Procedural History

The Cape Cod Commission received a mandatory Development of Regional Impact (DRI) referral from the Town of Barnstable Building Commissioner on September 22, 2025. The Applicant subsequently submitted a DRI Exemption Application for the Project on October 28, 2025. Additional materials were submitted on December 24, 2025. The Application was determined to be complete on December 29, 2025. The Project will require review by the Town of Barnstable Planning Board and Zoning Board of Appeals following DRI exemption approval by the Commission.

Commission Jurisdiction

The Project literally qualifies as a DRI because it meets or exceeds the DRI review threshold appearing in Section 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, as amended November 17, 2021 ("Enabling Regulations"). Said Section 3(c) provides: *"Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots…"*

Where proposed development literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 7 of the Enabling Regulations allow the Applicant to apply to the Commission for an exemption from Commission review *"because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is to be located."*

Review of Exemption Request

- Portions of the Project parcel are subject to two prior DRI decisions by the Commission: Southwind Plaza CCC# TR930014 (1993), and Victory Fish CCC# TR900010 (1996).
- The Commission is a party to a settlement agreement with Home Depot, a tenant of Southwind Plaza (*Home Depot U.S.A., Inc. v. The Cape Cod Commission*, Land Court Case No. 02 MISC 2816).
- An alternate Approval Not Required Plan creating 4 lots was approved by the CCC as a DRI Exemption in 2023, but said plan was never finalized and recorded.
- The Project is a division of land and does not propose any physical building or structural development work.
- The requested DRI exemption, if granted, will not authorize any additional development beyond that allowed pursuant to the existing DRI decisions and settlement agreement.
- The Applicant has committed to maintaining all existing DRI permit requirements, including but not limited to those relating to drainage/stormwater and site access, through cross easements where necessary. The Applicant made said commitments in narrative form in their submission dated 12/22/2025. Staff notes in particular that the Applicant commits to the following:
    - "No lot owner will modify, obstruct, relocate, damage, or otherwise interfere with any component of the Stormwater System or the Drainage Easement Areas without the prior written consent of the Declarant (or its successor) and without securing all required municipal, state, and federal approvals."
    - "The Access Easements will run with the land, bind all future owners, and remain in full force and effect in perpetuity."
    - "All curb cuts and associated access areas will remain in the locations and configurations shown on the ANR Plans unless formally amended through the appropriate regulatory process."
- The Applicant's commitments and representations will be included in a written DRI Exemption Decision, which will be recorded against title, ensuring all successors, heirs, and assigns will have notice of these requirements.
- Staff suggest that the proposed land division is unlikely to have significant impacts on the values and purposes protected by the Cape Cod Commission Act outside the Town of Barnstable and recommend that a DRI Exemption may be granted.