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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT EXEMPTION DECISION

DATE:	January 22, 2026
PROJECT:	Southwind Plaza ANR II (File No. 25028)
APPLICANT & PROPERTY OWNER:	CR Southwind, LLC c/o John W. Kenney, Esquire 1550 Falmouth Road, Suite 12, Centerville, MA 02632
PROPERTY/SITE:	65 Independence Drive & 990 Iyannough Road, Hyannis, MA
Assessor's ID:	Map 294 Parcel 4 Map 295 Parcel 15-X01 Map 295 Parcel 15-X02
TITLE REFERENCE:	BCRD Book 36772 Page 301 Plan Book 617 Plan 35

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") Exemption, with Conditions, to the CR Southwind, LLC for the Southwind Plaza ANR II Project located on the +/- 31.13 acres of land at 65 Independence Drive and 990 Iyannough Road in Hyannis, MA known as Southwind Plaza ("Property"; "Project Site") pursuant to a vote of the Commission at its meeting on January 22, 2026.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

F1. The Applicant, CR Southwind, LLC, proposes to divide +/- 31.13 acres of land into six (6) separate parcels (the Project). No other Development is proposed.

F2. 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..."

F3. The Applicant submitted a DRI Exemption application for the Project to the Commission on October 28, 2025. Additional materials were submitted on December 24, 2025. The application was determined to be complete on December 29, 2025.

F4. 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).

F5. 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).

F6. The DRI exemption does not authorize any additional development beyond that allowed pursuant to the existing DRI decisions and settlement agreement.

F7. 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. These commitments include but are not limited to:

- "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."

F8. The location, character, and environmental effects of the Project will prevent it having any significant impacts on the values and purposes specified under the Act.

F9. The Project is unlikely to have significant impacts beyond the Town of Barnstable.

CONCLUSION

Based on the above Findings, the Commission hereby further finds and determines that, though the Project literally qualifies as a DRI, it may nonetheless be exempted from Commission DRI review because the Project will have no significant impacts on the values and purposes specified in Section 1 of the Cape Cod Commission Act outside of the municipality in which it is proposed due to the Project location, character, and environmental effects. As such, the Commission hereby grants the DRI Exemption requested by CR Southwind, LLC for the Project described herein, subject to the Conditions, below.

CONDITIONS

C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant). Thereafter, pursuant to Section 12(k) of the Act, the Applicant has three (3) years from the date of this written decision to exercise the right granted hereunder.

C2. A copy of the Decision, when final and prior to commencement of the Project, shall be recorded with the Barnstable County Registry of Deeds.

C3. This Decision applies only to the Project as described herein. If further development that meets or exceeds the mandatory DRI Review thresholds under *Chapter A of the Code of Cape Cod Commission Regulations of General Application* is proposed on the Property, the development shall be referred to the Commission.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 10th day of February 2026

For the Cape Cod Commission by:

Thomas Wilson, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

February 10th, 2026

Before me, the undersigned notary public, personally appeared Thomas Wilson in his capacity as Chair and on behalf of the Cape Cod Commission, whose name is signed on the preceding or attached 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 [**X**] personal knowledge of the undersigned.

Notary Public

My Commission Expires: 8/28/26

SEAL

LISA P. DILLON
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 28, 2026