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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE:	February 27, 2025
PROJECT:	Wilkens Campus Housing Phase II (Cape Cod Commission File No. 24026)
APPLICANT:	Wilkens Lane Properties, LLC 75 Park Plaza, Boston, MA 02116
PROPERTY/SITE:	35 Wilkens Lane, Barnstable, MA 02630 Parcel ID 296-039-00 BCRD Book 34792 Page 233 Plan Book 697 Page 36

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") approval, with Conditions, for "Wilkens Housing Phase II," to construct 320 new residential housing units located within 5 new buildings with associated accessory buildings and site improvements on Wilkens Lane in Barnstable, pursuant to a vote of the Commission at its meeting on February 27, 2025.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

General Findings

F1. The proposed project site consists of a +/- 17.24-acre vacant parcel ("Project Site"; "Site"). The Project Site is within the bounds of a +/- 40-acre area that is subject to the terms of a Development Agreement reviewed and approved by the Cape Cod Commission (CCC File Nos. 20056 and 02014).

F2. The Development Agreement does not grant any development rights to the Project Site.

F3. The remaining +/- 22.9 acres subject to the Development Agreement have been developed and/or maintained in accordance with the Development Agreement.

- +/- 10.6 acres developed with a 272-unit multifamily residential development

- +/- 8 acres developed with a 23,500-sf outpatient medical facility
- +/- 4.3-acre vacant lot for future development

F4. The Project Site is bordered to the west by a utility easement, to the south by BJ's Wholesale Club, to the southeast and east by an outpatient medical facility, and to the north by a sand and gravel facility and a 272-unit multi-family residential development.

F5. The Site does not include areas mapped as sensitive for natural resources.

F6. The Project Site is within a Commission-mapped Industrial Activity Center Placetype.

F7. The proposed development consists of:

- 320 new residential housing units located within 5 new buildings;
- a +/- 6,430 sf amenity and leasing building;
- +/- 478 parking spaces, including 46 spaces located within 8 new garage buildings; and
- a stormwater management system with infiltration basins and bio-retention areas, (collectively, the "Project").

F7(a). In the future the Applicant seeks to further divide the Project Site to create a buildable 2.07-acre parcel shown on Project plans as "Lot 2A" and a non-buildable 0.20-acre parcel shown on Project plans as "Lot 2C." The portions of the Project Site to be divided off do not include any Project infrastructure, and the creation of such lots would not substantively alter any Findings or Conditions herein.

F8. The Project is subject to mandatory DRI review pursuant to Section 3(g) of the Enabling Regulations as a proposed development that is planned to create 30 or more Residential Dwelling Units.

F9. The Project was referred to the Commission by the Town of Barnstable on October 10, 2024. The Applicant submitted a DRI application in September 2024 and submitted supplemental materials in November 2024, December of 2024, January 2025, and February 2025.

F10. A Subcommittee of the Cape Cod Commission held three public hearings on the Project on December 9, 2024; January 27, 2025; and February 10, 2025. The Subcommittee also held two public meetings on the Project on February 19, 2025 and February 24, 2025. The full Cape Cod Commission held a public hearing on the Project on February 27, 2025.

F11. The Project Site is a portion of a site that is subject to the terms of a Development Agreement. Said Development Agreement was first approved by the Commission in 2003 and permitted the construction of a +/- 263,000-sf medical campus on a 40-acre site subject to compliance with conditions of the agreement (CCC File No. 02014). That Development Agreement was subject to a Major Modification in 2022, which resulted in an Amended and

Restated Development Agreement (CCC File No. 20056) which discontinued development rights for the portion of the Development Agreement site that comprises the Project Site.

F12. The Development Agreement mitigated for the issue area of Open Space, but as the site is a former sand and gravel facility that was operated by Cape Cod Aggregates, the Project does not require Open Space mitigation under the 2018 RPP.

F13. The Development Agreement reviewed the Project Site for archaeological sensitivity, with a determination from the Massachusetts Historical Commission that the Site is not archaeologically sensitive.

F14. DRI review of the Project is subject to the 2018 RPP, amended in March 2021, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission assessed the Project's consistency with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives were deemed applicable and material to the Project.

Cape Cod Regional Policy Plan

F15. Based on the location and nature of the Project, the following RPP goals are applicable, material, and regionally significant and thus subject to RPP consistency review: *Water Resources, Community Design, Transportation, Energy, Waste Management, Climate Mitigation,* and *Housing*. The Commission makes the following findings relative to the Project's consistency with these RPP Goals and relevant Objectives:

Water Resources

F16. The Project is located within a DEP-approved Wellhead Protection Area for the Hyannis water supply wells and the Marine Recharge Areas (MWRA) for both Barnstable Harbor and Lewis Bay.

F17. The following Objectives are applicable and material to the Project:

- WR1—protect and preserve groundwater quality
- WR3—protect, preserve, and restore marine resources
- WR4—manage and treat stormwater to protect and preserve water quality
- WR5—manage groundwater withdrawals and discharge to maintain hydrologic balance and protect surface and groundwater resources

F18. The Project will be connected to municipal centralized sewer, therefore the primary concerns for Water Resource Objective WR1 are hazardous materials and nitrogen loading from stormwater runoff. The Project will not use, treat, generate, handle, store, or disposal of hazardous materials and therefore hazardous materials are not expected to exceed household quantities.

F19. According to the final revised nitrogen loading calculations, the Project will result in a site-wide nitrogen load of 0.31 ppm-N, which is below the 5-ppm requirement for WR1, making the Project consistent with Objective WR1.

F20. A portion of the Project Site is located within the Marine Water Recharge Area (MWRA) for Lewis Bay, which is nitrogen impaired. The rest of the site is located within the MWRA for Barnstable Harbor, which does not have a TMDL for nitrogen. To avoid contributing nitrogen to the Lewis Bay watershed, the Applicant has designed all stormwater flow from impervious surfaces to be moved to and treated in the portion of the Project that is in the Barnstable Harbor watershed.

F21. The Applicant has proposed lawn areas will be native grass mixes that will not require nitrogen-based fertilizers, including sod that is comprised of fescues, ryegrasses, and/or microclover. Based on information provided, these will provide recreational lawns that can be mowed on a regular basis without contributing nitrogen to the Lewis Bay embayment. The Project is consistent with WR3.

F22. The Project will manage all stormwater onsite. Stormwater runoff from pavement will be collected in rain gardens and deep sump hooded catch basins then pass through hydrodynamic water quality units prior to discharging to subsurface infiltration systems. The stormwater treatment will remove over 80% of TSS. All impervious surfaces (including roofs) will be directed to completely infiltrate the 100-yr storm event. Roof runoff will be directed to rain gardens or subsurface dry wells instead of being piped to underground infiltration chambers. The Project is consistent with WR4.

F23. Objective WR5 requires that a project manage groundwater withdrawals and discharges to maintain hydrologic balance in a way that is protective of surface water and groundwater resources. To maintain this balance and be consistent with WR5, the Project will connect to the public water supply for drinking water. Any irrigation for lawns and landscaping will be provided by a private well, not to exceed 20,000 gpd.

Community Design

F24. The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context*.

F25. The following Objectives are applicable and material to the Project:

- CD1—promote context sensitive building and site design
- CD2—minimize the amount of newly disturbed land and impervious surfaces

F26. The Project is located in an Industrial Activity Center, adjacent to large commercial, medical, and residential developments with similarly sized buildings. At four stories tall and roughly 55 feet, these residential structures will be visible in the project vicinity, though they will be set well back from the roadways and partially screened by adjacent structures.

F27. The five proposed residential buildings are roughly 250 feet long by 70 feet wide. The Project meets the relevant Method of the Community Design Technical Bulletin to "follow regional and local scale of development" through identified alternate means by breaking down the mass of the buildings with changes in materials, colors, and rooflines. The Project meets the Method to "use regionally appropriate forms and materials" as the Applicant has agreed to only use fiber cement or natural materials on the exterior of the buildings, which will help to reduce mass and better relate to regional forms.

F28. The Project is consistent with CD1.

F29. Parking is arranged in narrow lots around the residential structures, generally avoiding large expanses of parking, consistent with CD2. In addition to existing berms and landscaping, parking is also partially shielded from view by small one-story garage structures located around the site.

Transportation

F30. The Transportation Goal of the RPP is *to provide and promote a safe, reliable, and multi-modal transportation system*.

F31. The following Objectives are applicable and material to the Project:

- TR1—improve safety and eliminate hazards for all users of Cape Cod's transportation system
- TR2—provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users
- TR3—provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people

F32. A Transportation Impact Assessment (TIA), dated September 2024, was prepared by Vanasse & Associates, Inc. (VAI) for the Project in accordance with relevant guidance from the Cape Cod Commission Transportation Technical Bulletin. The TIA provides an analysis of the operational and safety impacts of the proposed project and was prepared in a professional manner following standard industry practices. Supplemental traffic memorandums dated 12/16/2024, 1/9/2025, 2/5/2025, and 2/12/2025 were also submitted by VAI to provide additional information regarding the congestion mitigation payment and address site driveway layout concerns.

F33. The TIA included a safety review and capacity analysis during the weekday morning and weekday afternoon peak hours for both an average month and peak summer month at the following fourteen (14) study area intersections and eight (8) roadway links were identified in the TIA:

Intersections:

- Attucks Lane at Phinney's Lane
- Attucks Lane at Bearses Way
- Attucks Lane at Wilkens Lane

- Independence Drive at Attucks Lane
- Kidd's Hill Road at Wilkens Lane
- Independence Drive at Kidd's Hill Road
- Wilkens Lane at the Wilkens Outpatient Medical Complex Driveway
- Wilkens Lane at the Hanover Hyannis Phase I South Driveway
- Wilkens Lane at the Hanover Hyannis Phase I North Driveway
- Iyannough Road (Route 132) at the Grand Army of the Republic Highway (Route 6) Westbound Ramps
- Route 132 at the Route 6 Eastbound Ramps
- Route 132 at Shootflying Hill Road and Old Neck Road
- Route 132 at Attucks Lane
- Route 132 at Independence Drive

Roadway links:

- Attucks Lane between Phinneys Lane and Bearses Way
- Attucks Lane between Bearses Way and Wilkens Lane
- Attucks Lane between Wilkens Lane and Independence Drive
- Kidd's Hill Road between Wilkens Lane and Independence Drive
- Wilkens Lane between Kidd's Hill Road and Attucks Lane
- Route 132 between the Route 6 Westbound and Eastbound Ramps
- Route 132 between the Route 6 Eastbound Ramps and Shootflying Hill Road/Old Neck Road
- Route 132 between Shootflying Hill Road/Old Neck Road and Attucks Lane

F34. Trip generation estimates for the proposed Project were developed based on Institute of Transportation Engineers (ITE) data for Land Use Code (LUC) 221 Multifamily Housing applied to 320-units. Referenced from the TIA, the estimated trip generation for this site is shown below:

Time Period	**Vehicle Trips**		
	Entering	**Exiting**	**Total**
Average Weekday:	727	727	1454
Weekday Morning Peak Hour:	28	80	108
Weekday Evening Peak Hour:	71	47	118
Saturday Daily:	731	731	1462

Saturday Midday peak-Hour:	64	61	125

F35. The Project meets Objective TR1 by improving safety at eight high crash locations and providing safe access to the Project Site. Although the proposed site driveway is located within close proximity to the adjacent Hanover Phase I residential site driveway, the Applicant's engineer evidenced that the Project's site driveway meets the recommended minimum sight distances to function in a safe and efficient manner.

F36. According to the TIA the following intersections were identified to be a high crash location with 3 or more average crashes per year: Attucks Lane at Bearses Way (3.4 average crashes/year), Independence Drive at Attucks Lane (4.0 average crashes/year), Wilkens Lane at the Wilkens Outpatient Medical Complex Driveway (0.40 average crashes/year), Route 132 at the Route 6 Westbound Ramps (7.0 average crashes/year), Route 132 at the Route 6 Eastbound Ramps (3.4 average crashes/year), Route 132 at Shootflying Hill Road and Old Neck Road (6.8 average crashes/year), Route 132 at Attucks Lane (7.8 average crashes/year), and Route 132 at Independence Drive (9.0 average crashes/year).

F37. The safety improvements to be implemented as part of the Project proponent are:

Attucks Lane at Bearses Way

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Replace the traffic signal backplates and install reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Install countdown-type pedestrian signal indications with pushbuttons
- Install lane designation signage and restripe lane markings as needed

Independence Drive at Attucks Lane

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Add traffic signal backplates with reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Add vehicle tracking lines for the left-turn movements from both Independence Drive approaches and the Attucks Lane eastbound approach
- Install countdown-type pedestrian signal indications with pushbuttons
- Install lane designation signage
- Install a signal pre-emption system if desired by the Town
    - The replacement of a traffic signal necessitated by the installation of a signal pre-emption system would not be commensurate with the Project's impacts, thus if the Applicant can evidence that the installation of the system would require such work,

as conditioned herein, the installation of the pre-emption system will not be required.

Wilkens Lane at the Wilkens Outpatient Medical Complex Driveway

- Review of lines of sight at the intersection and any identified obstructions located within the sight triangle areas for a motorist exiting the Wilkens Outpatient Medical Complex driveway will be removed

Route 132 at the Route 6 Westbound Ramps

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Add reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Install a single-white lane line to separate the travel lanes on the service area driveway approach
- Reduce the width of the entering lane on the service area driveway by widening the center island
- Install lane designation signage

Route 132 at the Route 6 Eastbound Ramps

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Add reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Install “Signal Ahead” warning signs on both sides of the off-ramp just after the ramp to Shootflying Hill Road
- Install lane designation signage

Route 132 at Shootflying Hill Road and Old Neck Road

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Add reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Review the design and operation of the vehicle detection system on the Old Neck Road approach, and reconfigure as necessary to allow for vehicle detection and traffic signal phase extension, as necessary

Route 132 at Attucks Lane

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Add traffic signal backplates with reflective yellow tape on the backplate borders
- Evaluate the vehicle detection system
- Install “Signal Ahead” warning signs on Attucks Lane just after the Cape Cod 5 driveway

Route 132 at Independence Drive

- Design and implement an optimal traffic signal timing and phasing plan to include updates to clearance intervals and the pedestrian phase
- Evaluate the vehicle detection system
- Review lane configurations and signal phasing for potential safety improvements (i.e. double northbound left turn lanes needed)

Wilkens Lane

- Replace roadway striping along Wilkens Lane between Attucks Lane and Kidds Hill Road

F38. Subject to the provision of these safety improvements, the Project is consistent with Objective TR1.

F39. To meet Objective TR2 the Applicant will execute a Transportation Demand Management (TDM) program to support healthy transportation options and assist in the reduction of single-occupancy vehicle trips to the site. Additionally, an ADA-compliant sidewalk will be constructed internal to the site which will connect to the existing sidewalk network on Wilkens Lane and Attucks Lane. Adjacent sidewalk infrastructure was also reviewed under Objective TR2 and the Applicant has agreed to construct a sidewalk to close a small gap that exists along the eastern side of Wilkens Lane just north of Attucks Lane.

F40. The TDM program includes various items to encourage ways to travel to the site instead of a single occupancy vehicle, such as establishing a transportation coordinator for the site, a rideshare matching program, posting information on public transportation services, a pick-up/drop-off area at the front residential buildings for use by carshare and delivery services, electric vehicle charging stations for residents, and secure bicycle parking.

F41. Regularly scheduled public transportation services are provided within the vicinity of the Project Site by the Cape Cod Regional Transit Authority (CCRTA) via the Barnstable Villager and the Hyannis Crosstown fixed-route bus lines. The nearest regularly scheduled bus stop is located at Festival Mall, an approximate 0.3 mile (or 6 minute) walk south of the Project and at the Southwind Plaza, approximately 0.4 mile (or 8 minute) walk south of the Project. Additionally, flag service is allowed along Attucks Lane for both of these bus routes so transit riders can be dropped off or flag the bus closer to the Project Site/Wilkens Lane. The CCRTA also provides a daily public demand response service called Dial-a-Ride Transportation (DART), which is a door-to-door, ride-by-appointment transportation service, as well as SmartDART which is an app-based dial-a-ride system also offered in the Project area that can be utilized by site patrons. The Applicant is encouraged to coordinate with the CCRTA should the demand for a future bus stop on Wilkens Lane arise.

F42. A capacity analysis was conducted as part of the TIAS for the 14 study area intersections and eight study area roadway links. Based on the capacity analysis, it appears that there will be a moderate increase in vehicle trips at several key intersections within the study area, including

Route 132 at Attucks Lane, Attucks Lane at Independence Drive, and Attucks Lane at Wilkens Lane.

F43. To satisfy Transportation Objective TR3, the Project will provide a combination of trip reduction measures, physical improvements and a congestion mitigation payment. Trip reductions measures, such as the proposed TDM program, are aimed at encouraging alternative transportation modes.

F44. To offset the Project's impact on the roadway network, the Project will provide a congestion mitigation payment of $324,000, which was calculated in accordance with guidance from the Transportation Technical Bulletin.

F45. The Applicant will design and implement an optimal traffic signal timing and phasing plan for the following intersections:

- Route 132 at the Route 6 Westbound Ramps
- Route 132 at the Route 6 Eastbound Ramps
- Route 132 at Shootflying Hill Road and Old Neck Road
- Route 132 at Attucks Lane
- Route 132 at Independence Drive
- Attucks Lane at Phinney's Lane
- Attucks Lane at Bearses Way
- Attucks Lane at Wilkens Lane
- Independence Drive at Attucks Lane

F46. Subject to receipt of all necessary rights, permits and approvals, the Applicant will design and construct the following enhancements to the traffic signal at the Attucks Lane/Wilkens Lane intersection unless the Applicant has evidenced that such improvements cannot be completed without the replacement or installation of traffic signal poles/posts or mast arms, or replacement of the traffic signal controller, as such measures would not be proportionate with the impacts of the Project. The signal improvements are intended to follow the latest signal technology and safety countermeasures, such as:

    - Flashing Yellow Arrow signal heads for permissive left turns
    - Audible pedestrian signals
    - Installation of lane usage signage
    - Consideration of protected left turn signal phasing

Energy

F47. The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod*.

F48. The following Objectives are applicable and material to the Project:

- EN1—Support renewable energy development that is context-sensitive
- EN2—Increase resiliency of energy generation and delivery

- EN3—Minimize energy consumption through planning and design

F49. The Project will be built to or above Stretch Code standards, and certifiable to the National Green Building Standard bronze level. Those include building, energy, and water efficiency designs consistent with EN3 objectives. The Project's utilities will be underground, consistent with EN2. The Project will also include EV charging stations.

F50. As the Project will be built to the Stretch Code, it will be 'solar ready', but the Applicant is not proposing to install solar at the time of construction. The Applicant will provide some provision for the procurement of green energy until such time as solar is installed for consistency with EN1.

Waste Management

F51. The Waste Management Goal of the RPP is *to promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy*.

F52. The following Objectives are applicable and material to the Project:

- WM1—to reduce waste and waste disposal by promoting waste diversion and other Zero Waste initiatives
- WM2—support an integrated solid waste management system

F53. The Project's waste will be professionally managed to promote the separation of recyclable materials as well as provide potential opportunities for residents to compost applicable waste. The Project will also provide tenant education regarding recycling availability. These measures are consistent with Objective WR1.

F54. The Applicant will work with the Town's Building Department to comply with regulations related to the management of construction and demolition waste, consistent with Objective WR2.

Climate Mitigation

F55. The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050*.

F56. The following Objectives are applicable and material to the Project:

- CM1—promote low or no carbon transportation alternatives and technologies
- CM2—promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling (HVAC) systems
- CM3—promote carbon sequestration and other emissions removal practices and technologies as appropriate to context
- CM4—Promote low or no carbon energy generation technologies as appropriate to context

F57. The Project is consistent with Objective CM1 due to its proximity to retail and commercial development through existing, recently expanded pedestrian infrastructure, including sidewalks and pedestrian signals along Attucks Lane. The Project also provides for electrical vehicle charging, secure bicycle accommodations, work from home spaces, and other measures identified in the TIAS.

F58. In addition to the features detailed in Objective EN2, the residential units will be served by high-efficiency electrical heat pumps to eliminate the Project's use of fossil fuels. Thus, the Project is consistent with Objective CM2.

F59. Project landscaping has been designed to include drought tolerant, native, low impact plantings, including Cape Cod specific cultivations that have been incorporated based on local guidelines. Light-colored hardscape materials will be used to reduce urban heat island effects. Based on these measures the Project is consistent with Objective CM3.

F60. The Project is consistent with Objective CM4 through designing unobstructed roof areas as solar ready (including installing electrical conduit) and providing for electrical vehicle charging in the surface parking areas and in select bays of the detached garages.

Housing

F61. The Housing Goal of the RPP is *to promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs.*

F62, The following Objectives are applicable and material to the Project:

- HOU1—Increase housing diversity and choice
- HOU2—Increase year-round housing supply
- HOU4—Increase affordable housing

F63. The Project will provide 320 new rental units, offering a diverse mix of housing types. Specifically, the unit mix is 191 one-bedroom apartments; 113 two-bedroom apartments; and 16 three-bedroom apartments. The mix of unit sizes will accommodate a range of household types and life stages. Approximately 60% of the units will be less than 850 sq. ft., in line with the Housing Technical Bulletin guidance to provide smaller, more affordable options. The Project will contribute to greater housing diversity and choice in the region and in the Town of Barnstable, consistent with Objective HOU1.

F64. The Project will contribute 320 new year-round rental units to Barnstable's housing supply, helping to meet the community's ongoing housing needs for year-round housing supply, consistent with Objective HOU2. Tenancy requirements regarding the length of lease terms or seasonal occupancy are contained in the local zoning.

F65. The Project will exceed the 10% requirement for year-round, income-restricted housing units under Objective HOU4, with a total of 42 income-restricted units proposed. Ten percent (10%) (32 units) will be affordable for households earning up to 65% of Area Median Income

(AMI), in compliance with Barnstable's Affordable Housing Ordinance. An additional 3% (10 units) will be affordable for households earning up to 80% of AMI, as required by the local zoning overlay district.

F66. Consistent with the Commission's Housing Technical Bulletin, the 42 income-restricted units will be distributed evenly throughout the development, ensuring integration with market-rate units. They will be of the same design, quality, and finish as market-rate units and will provide equal access to all on-site amenities. The income-restricted units will also qualify for inclusion on the State's Subsidized Housing Inventory (SHI). A third-party consultant will be responsible for managing the marketing and lottery process for the affordable units, in accordance with the Affordable Housing Restriction to be held by the Town of Barnstable.

F67. Barnstable's Housing Production Plan has a stated goal of providing additional housing units for persons with disabilities. The Project will meet accessibility standards as required by the Massachusetts Architectural Access Board (521 CMR 9). This includes the provision of: 16 fully accessible Group 2 units; 5 units designed for individuals with hearing impairments. Additionally, all amenities within the development will be fully accessible to persons with disabilities.

F68. According to the Fiscal Impact Analysis, the Project will create 42 permanent affordable housing units, contributing positively to the town's housing stock and addressing the affordability gap for lower-income residents.

Other DRI Standards of Review

Consistency with Local Zoning Bylaw and Barnstable's Local Comprehensive Plan

F69. The Barnstable Planning and Development department provided a letter dated December 2, 2024 that detailed consistency with local zoning and the Town's Local Comprehensive Plan. The letter identifies the Project as consistent with the LCP, noting sections on Land Use and Community Housing.

F70. The letter also identifies that the Project will require local Site Plan Review and a Special Permit from the Zoning Board of Appeals. Subject to receiving these approvals, the Project will be consistent with local zoning.

F71. The Applicant is actively working with the Barnstable Fire and Water District to connect the Project to the public water supply.

DCPC Implementing Regulations

F72. The Project is within the Barnstable Town-wide DCPC, with implementing regulations adopted as Article XI of the Town's zoning bylaw. Consistency with the implementing regulations will be evidenced by the Applicant receiving local permits.

Regional Benefits/Detriments

F73. Probable benefits of the Project identified include:

- The Project will provide year-round rental housing for residents of Cape Cod, including units reserved for those making less that 65% and 80% of Area Median Income.
- The Project is redevelopment of a former sand mining operation, which will improve the ecological condition of the land and further sequester carbon.
- The Project will result in improvements to pedestrian infrastructure, including upgrading infrastructure to be compliant with the Americans with Disabilities Act.
- The Project will utilize high-efficiency electric heat pumps for heating, reducing the regional reliance on fossil fuels.
- The Project is walkable to amenities including retail and dining establishments, and it is located within walking distance of public bus routes.
- The Project will not use nitrogen-based fertilizers within the Barnstable Harbor embayment, which has not been mapped by the Commission as nitrogen impaired.

F74. Probable detriments of the Project identified include:

- Project is expected to add new vehicular trips to regional roadways.

F75. The Commission finds that the Probable Benefit of the Project is greater than the Probable Detriment.

CONCLUSION

Based on the Findings above and subject to the Conditions set out herein, the Commission further determines, finds, and concludes that the Project is consistent with the 2018 Cape Cod Regional Policy Plan, applicable provisions from the Barnstable Local Comprehensive Plan, and applicable municipal development bylaws; the probable benefit of the Project is greater than the probable detriment; and the Commission hereby grants DRI approval for the Wilkens Housing Phase II Project described herein.

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, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto for a period of seven years from the date of this Decision, or for such extended period as may be permitted by the Commission pursuant to Chapter A of the Code of Cape Cod Commission Regulations, the *Enabling Regulation*s Governing Review of Developments of Regional Impact.

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

C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C4. The Applicant shall seek and obtain a modification to the Development Agreement (CCC Nos. 02014 and 20056) recognizing this decision.

C5. At such time that the Applicant seeks to create Lot 2A and/or Lot 2C as shown on the draft Approval Not Required ("ANR") plan dated 2/7/2025, prepared by DiPrete Engineering, and included in the revised DRI Application dated 2/7/2025, the Applicant shall:

- Submit to the Commission any ANR plan filed with the Town of Barnstable Planning Board at such time an endorsement is sought.
- Submit to the Commission the endorsed ANR plan after recording at the Barnstable County Registry of Deeds.

Any such consistent plan shall then be incorporated by reference into this Decision and said lots shall be considered removed from the Project Site. Any future development proposed on either parcel shall be subject to DRI review if the development meets or exceeds the criteria for review in place under the Commission's regulations at such time that the development is proposed.

C6. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project, including without limitation a Special Permit from the Barnstable Zoning Board of Appeals. Consistency with Municipal Development Bylaws shall be confirmed by the Applicant and provided to the Commission staff after obtaining all said required local permits, licenses, and approvals for the Project. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required local permits, licenses, and approvals for the Project. Any changes to the Project resulting from the municipal review process may require modification of this Decision.

C7. The Project shall be constructed, operated, and maintained consistent with the following documents ("Approved Project Plans"). Plans, protocols, and other documents received or required to be submitted as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and approved for consistency with this Decision by Commission staff, and the Project shall thereafter be constructed, operated, and maintained consistent with the Approved Project Plans, as so supplemented:

- Development of Regional Impact Application, consisting of 79 pages, final revision dated 2/4/2025, submitted 2/7/2025
- Memorandum from Applicant, *Wilkens Lane Phase 2 DRI Application – Response to CCC Comments*, dated 2/13/2025

- Civil plan set:
    - *Conceptual Site Plans, Hanover Hyannis II*, consisting of 38 sheets including a cover sheet, prepared by Nathan Cheal, P.E., Tetra Tech, Inc., dated 8/2/2024, revised 1/27/2025

- Landscape plan set:
    - *Hanover Hyannis* II, consisting of 26 sheets, prepared by Warren Bret Montague, RLA, Hanover Landscape Architecture, dated 8/2/2024, revised 2/13/2025
- Stormwater Management Report:
    - *Stormwater Management Report, Hanover Hyannis II*, consisting of 267 pages including Nitrogen Loading Worksheets, prepared by Nathan Cheal, P.E., Tetra Tech, Inc., dated 8/2/2024, revised 1/27/2025
- Traffic Impact and Access Study:
    - *Transportation Impact Assessment, Hanover Apartments Phase II*, prepared by Jeffrey Dirk, P.E., Vanasse & Associates, Inc., dated September 2024

C8. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.

C9. Prior to and as a Condition to issuance of a building permit/s for the Project from the Town of Barnstable, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.

C10. Prior to and as a Condition to issuance of a Certificate/s of Use and Occupancy for the Project from the Town of Barnstable Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy or building permits sign-off/s, and shall confirm that the Project was constructed or implemented in accordance with this Decision.

C11. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project has been implemented in accordance with this Decision, including upon an Applicant's request for a Certificate of Compliance hereunder.

C12. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a draft Affordable Housing Restriction, to be held by the Town of Barnstable, for review and approval by Commission staff.

C13. Prior to and as a condition to the issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final executed Affordable Housing Restriction, held by the Town of Barnstable, as reviewed and approved by Commission staff.

C14. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a final landscape plan, for Commission staff review and approval and subject to approval shall be incorporated into this decision by reference.

- No managed turf shall be included in the landscape plans; lawn areas shall be a seed mix with native grasses or sods that are similarly drought-tolerant and would not require the use of nitrogen-based fertilizers.

C15. Prior to and as a condition to the issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a draft Landscape Maintenance Agreement for review and approval by Commission staff. The Agreement shall be for a term of no less than three years and shall identify maintenance protocols including the prohibition of the use of nitrogen-based fertilizers beyond an establishment period to be clearly defined therein.

C16. Prior to and as a condition to the issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final executed Landscape Maintenance Agreement, as reviewed and approved by Commission staff.

C17. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide for the transportation mitigation measures as specifically described under Findings F38, F40, F45, F46 and F47. The $324,000 congestion payment required under F45 shall be made payable to Barnstable County Treasurer and shall be used in the Town of Barnstable to offset congestion impacts within the study area.

- If so desired by the Town of Barnstable, the Applicant shall install a signal pre-emption system at the Independence Drive/Attucks Lane intersection subject to receipt of all necessary rights, permits and approvals unless, prior to a Preliminary Certificate of Compliance, the Applicant has evidenced that such installation cannot be accomplished without the replacement or installation of traffic signal poles/posts or mast arms, or the replacement of the traffic signal controller.

- Subject to receipt of all necessary rights, permits and approvals, the Applicant shall design and construct the enhancements to the traffic signal at the Attucks Lane/Wilkens Lane intersection unless, prior to a Preliminary Certificate of Compliance, the Applicant has evidenced that such improvements cannot be

completed without the replacement or installation of traffic signal poles/posts or mast arms, or replacement of the traffic signal controller.

C18. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide documentation of a green power purchase agreement to provide no less than 50% of the Project's power from renewable sources.

C19. Project lighting shall not spill onto adjacent properties. Parking areas shall have light fixtures that have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting shall be screened by the building's architectural features or contain a 45-degree cutoff shield.

C20. Drinking water for the Project shall come from the public water supply.

C21. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit information to be distributed to tenants on a residential recycling program for review and approval by Commission staff. The program shall be implemented.

C22. The Project shall not store or generate hazardous materials in greater than household quantities.

C23. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall install electric vehicle charging for no less than 16 vehicles within surface parking areas. NEMA plugs for vehicle charging shall be installed in no less than 14 garage bays.

C24. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit final architectural plans for Commission staff to review for consistency with this Decision, including but not limited to showing that all exterior building materials will be fiber cement or natural materials.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this _____ day of March 2025

For the Cape Cod Commission by:

_____

Harold Mitchell, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March _____, 2025

Before me, the undersigned notary public, personally appeared_____, 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: _____

SEAL