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THE CAPE COD COMMISSION

**CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION**

1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630

TELEPHONE: 508-362-2511

DATE: August 22, 1990 #CCC EX 90023

TO: Mr. James Rice, Chairman of the Board  
Cape Cod Bank & Trust

Mr. Dewitt Davenport, Trustee  
Davenport Realty Trust

FROM: Cape Cod Commission

RE: Development of Regional Impact Exemption Request  
Cape Cod Commission Act, Section 12k

APPLICANT: Mr. James Rice, Chairman  
Mr. Dewitt Davenport, Trustee

PROJECT: Cape Cod Bank & Trust Expansion  
Workshop Road  
South Yarmouth, Massachusetts

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**DECISION OF THE CAPE COD COMMISSION**

SUMMARY

The Cape Cod Commission (The Commission) hereby grants the application of Mr. James Rice and Mr. Dewitt Davenport for a Development of Regional Impact (DRI) Exemption under Section 12k of the Cape Cod Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for a proposed expansion of Cape Cod Bank & Trust Operations Center on Workshop Road in South Yarmouth. The decision is rendered pursuant to the vote of the Commission on August 16, 1990.

PROJECT DESCRIPTION

The application is for expansion of a bank operations center and construction of a branch bank on a 3.46 acre site. A 15,000 square foot warehouse facility will be replaced by 12,500 square feet in new construction. The new construction will be comprised of an operations center expansion totaling 10,800 square feet, and a separate branch bank building totaling 1700 square feet. Entrance to the branch bank will be one-way only. Parking and landscaping will be upgraded, with a total of 183 parking spaces for the proposed uses. The project is located adjacent to the Yarmouth transfer station site and the intersection of Workshop Road and Station Avenue in South Yarmouth. This intersection is approximately 1/3 of a mile south of state highway 6.

## PROCEDURAL HISTORY

An application for a DRI Exemption under Section 12k of the Act was filed with the Commission on July 19, 1990. A duly noticed public hearing on the application was conducted by the Commission pursuant to Section 5 of the Act on August 16, 1990 at 4:12 p.m. in Rooms 11 & 12 in the Barnstable County Superior Courthouse, Route 6A, Barnstable, MA. The hearing notice was read by Commission Secretary Donald Near.

A special permit was granted by the Yarmouth Zoning Board of Appeals on March 30, 1990. The special permit included the following conditions:

- 1). No building permit for the new construction to issue until the issuance of a sewage disposal permit by the Board of Health.
- 2). All water lines shall be subject to the approval of the Water Department.
- 3). The Petitioner will plant trees of 2" caliper or greater in all perimeter buffers approximately twenty feet on center prior to the issuance of an occupancy permit.

The Yarmouth Board of Health approved the project on March 20, 1990. The approval included the following conditions:

- 1). Cape Cod Bank & Trust employees will be limited to 132 persons, and monitoring of all visitation.
- 2). Monitor water meter monthly and submit reports annually to the Board of Health. The daily water reading is not to exceed 2025 GPD on an annual basis.
- 3). The lawn irrigation/sprinkler system is to have a separate water meter.
- 4). Reduce the area of fertilized lawn to 7000 square feet of the total site.
- 5). Maintain fertilization records and submit annual recap of fertilizer use.
- 6). Engineer to certify area of fertilized lawn by color coded plan.
- 7). No food cafeteria service.
- 8). Basement is to be used for storage only.
- 9). This variance is for this business use only.
- 10). This variance is to be recorded on each deed for each lot. (lots 72, 74, 17)

The exemption request was endorsed by the Yarmouth selectmen and Yarmouth Planning Board.

### Materials Submitted for the Record

Materials submitted by the applicant:

- Traffic Impact Assessment Summary by McDonough & Scully, Inc., dated June 8, 1990
- Memorandum from Bruce Murphy, Health Agent, Town of Yarmouth, dated March 20, 1990
- Town of Yarmouth, Board of Appeals decision filed with the Town Clerk on March 30, 1990
- Site plan (1 sheet) by Coastal Engineering Co., Inc. dated February 15, 1990 and revised March 2, 1990, March 22, 1990 and April 19, 1990. Architectural plans (3 sheets) by Keenan & Kenny Architects Ltd., dated June 8, 1990, and branch bank plans (2 sheets, unnamed) dated February 22, 1990.

### Testimony

The Commission heard oral testimony from Mr. Dewitt Davenport, trustee of Davenport Realty Trust. No comments from the public were offered.

A slide presentation was used by Mr. Davenport to describe the site's present and proposed use, as well as to illustrate surrounding land uses. An existing warehouse would be replaced by the proposed operations center, a reduction in square footage from 15,000 s.f. to 12,500 s.f. The applicant described the architectural design of the project as more in character with the surroundings and an improvement aesthetically.

The applicant described circulation through the site, with entrance to the bank one-way and egress utilizing one of three proposed driveways. He described the traffic impacts as minimal, with the majority of the traffic being the center's employees, which would likely remain on-site during lunch hours, eliminating additional midday traffic. The applicant had also paid betterment fees as part of a public works improvement project for Station Ave. in Yarmouth to accommodate new development.

### JURISDICTION

The proposed expansion of the Cape Cod Bank & Trust Operations Center qualifies as a Development of Regional Impact under Section 12 (c) (6) of the Act, which requires review of "any proposed retail or wholesale business, office or industrial development, as well as any private health, recreational or educational development which is...an addition greater than five thousand square feet."

The application and notice of public hearing relative thereto, the Commission staff's notes and exhibits and all written submissions received in the course of the proceedings are incorporated into the record by reference.

### FINDINGS

The Commission has considered the Development of Regional Impact Exemption application of Cape Cod Bank & Trust/Davenport Realty Trust for the proposed expansion of Cape Cod Bank & Trust. Based on consideration of such application, the information presented and Commission staff recommendations at the public hearing, the Commission makes the following findings subject to Section 12(k) of the Act:

**Traffic:**

- 1). Roadway improvements were recently implemented along Station Avenue in 1988. The work was funded in part by a betterment assessment paid by the applicant. The goals of this improvement project were to: increase road capacity; provide safe and efficient traffic flow for local businesses; and provide sufficient roadway capacity for additional development in the area.
- 2). The area roadway currently has sufficient capacity to handle the additional traffic.
- 3). The level-of-service(LOS) at the Station Ave. intersection will remain at LOS "C" after completion of the bank expansion, an acceptable LOS.

**Water:**

Water concerns have been addressed by the Yarmouth Board of Health and will be monitored by them.

**Site/Architectural Design:**

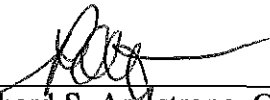
- 1). The proposed banking operations center of 12,500 square feet is actually a net decrease in square footage. This, combined with an improved architectural treatment for the building, will enhance the surroundings visually.
- 2). There do not appear to be any serious environmental issues relating to this project. No additional curb cuts are proposed for the site. In addition, cars backing out onto Workshop Road will be eliminated with the project's improved layout.

CONCLUSION


Based upon the findings above, the Cape Cod Commission hereby concludes:

The location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside the municipality in which the development is to be located. This conclusion is supported by the findings that previous traffic improvements to the area were made specifically to accomodate future development; the applicant had paid betterment fees in support of these improvements; traffic impacts were not likely to change the level of service on Station Ave.; and the proponent had adequately addressed site, water and environmental concerns.

The Commission hereby grants Mr. James Rice and Mr. Dewitt Davenport a DRI Exemption from the terms and provisions of the Act, pursuant to Section 12k of the Act for the proposed Cape Cod Bank & Trust expansion.

  
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Richard S. Armstrong, Chairman

9/25/90  
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Date

  
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Notary  
My Commission Expires  
SEPTEMBER 25, 1992

9/25/90  
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Date