



CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630

TELEPHONE: 508-362-2511

DATE: September 21, 1990 #CCC EX 90025

TO: Mr. Ed Lambert
Independence Park, Inc.
P.O. Box 1776
Hyannis, MA 02601

FROM: Cape Cod Commission

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

APPLICANT: Mr. Ed Lambert

PROJECT: Lot 8-1 Independence Park
Mary Dunn Road
Hyannis, Massachusetts

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (The Commission) hereby denies the application of Mr. Ed Lambert 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 warehouse/light manufacturing building on Mary Dunn Road/Airport Road in Hyannis. The decision is rendered pursuant to the vote of the Commission on September 13, 1990.

PROJECT DESCRIPTION

The application is for construction of a 22,000 square foot warehouse/light manufacturing building on approximately 2.46 acres. A total of 45 parking spaces will serve the site. The site is located at the northwest corner of the intersection of Mary Dunn Road and Airport Road in Hyannis. The site is zoned Industrial Limited and is within the Well Protection Overlay District of the town of Barnstable. The site is part of the 445-acre Independence Park Industrial Park.

PROCEDURAL HISTORY

An application for a DRI Exemption under Section 12k of the Act was filed with the Commission on August 7, 1990. A duly noticed public hearing on the application was conducted by the Cape Cod Commission pursuant to Section 5 of the Act on September 13,

1990 at 4:40 p.m. in Rooms 11 & 12 in the Barnstable Superior Courthouse, Route 6A, Barnstable, MA. The hearing notice was read by Commission Secretary Donald Near.

The applicant filed for a special permit with the town of Barnstable Zoning Board of Appeals on March 26, 1990. The project was referred to the Commission by the town of Barnstable's Site Plan Review Committee on April 23, 1990.

Materials Submitted for the Record

Materials submitted by the applicant:

- DRI Exemption application form received August 7, 1990
- Site Plan (1 sheet) by Arne H. Ojala, P.E., R.L.S. dated December 21, 1989
- Site Plan Review application dated March 26, 1990

Additional Materials:

- Cape Cod Commission Staff Report dated September 12, 1990

Testimony

The Commission heard oral testimony from Mr. Michael Ford, the attorney representing the applicant. No comments from the public were offered. Also present were Mr. Ed Lambert, applicant; and Mr. Arne Ojala, engineer for the project. Mr. Ford described the proposal as solely warehouse use. Light manufacturing use was not contemplated. He indicated that the project's location was isolated from the rest of the 445-acre industrial park and not included in the Environmental Impact Report which is being conducted for the park. The applicant stated that this project would not produce any impacts outside of the town of Barnstable.

The applicant stated that the warehouse is permitted as-of-right by zoning and is included in a water protection zone by-law which restricts use. Hazardous waste storage is not permitted by this by-law. Therefore, concerns of the Commission staff for hazardous waste would not be applicable to this project.

A report by the Cape Cod Commission regulatory staff was presented by Dorr Fox, Chief Regulatory Officer. The staff recommended denial of the Exemption Request based upon the following factors: traffic, water resources, and solid/hazardous waste disposal. These concerns could be more adequately addressed through a full DRI review.

George Wadsworth, Barnstable Water Company addressed the Commission stating that he felt it was absolutely critical that this project be carefully restricted. He told Commission members that the project site was approximately 400 feet upgradient of a 1,000 gallon per minute water supply well. He said that it would be impossible to take care of a spill should it occur, and that rare and endangered species would be affected. He also noted that due to its proximity to the well, that a spill on the site would move very quickly towards the supply well. If this water supply was contaminated, neighboring towns would be required to supply water. Ms. Daley, Senior Regulatory Planner, reiterated the need to determine what was to be stored on the site to determine if there would be any solid or hazardous materials involved.

JURISDICTION

The proposed 22,000 square foot warehouse 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...which has a floor area...greater than 10,000 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 Lot 8-1 Independence Park, Inc. for the proposed warehouse construction. 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:

1).TRAFFIC:

While the proposal represents a small percentage of traffic that will be using area roadways, development of the remaining parcels within the industrial park is expected to create very significant traffic impacts.

2).WATER RESOURCES:

While the proposal meets the Barnstable Board of Health "330" rule which requires that proposed wastewater disposal not exceed 330 gallons per day per acre, there are concerns that if the water supply was contaminated from any proposed use of this site, water would have to be supplied by surrounding towns and is therefore of regional concern. The site is approximately 400 feet upgradient of a public water supply well.

3).SOLID/HAZARDOUS WASTE:

According to the application submitted to the Commission, the applicant proposes warehousing/light manufacturing for the site. As this site is within the ZOC for the Barnstable public water supply, careful consideration needs to be given to the proposed use of this site regarding storage of hazardous materials and disposal of solid/hazardous waste.

CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes that the above proposal for 22,000 square foot warehouse should be reviewed as a DRI. Therefore the application for a DRI Exemption is denied. This conclusion is supported by the following findings: consideration of traffic impacts of this project within the context of the entire industrial park is necessary; water supply protection concerns which could affect Barnstable as well as neighboring towns; sewage treatment needs in relation to the rest of the industrial park; and consideration of storage and disposal of solid/hazardous waste. All of these findings have potential regional impacts.

The Commission hereby denies Mr. Ed Lambert of Independence Park, Inc. a DRI Exemption pursuant to Section 12k of the Act for a proposed 22,000 square foot warehouse/light manufacturing building.



Armando J. Carbonell, Executive Director

2 October 90
Date