

CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630

TELEPHONE: 508-362-2511

DATE: September 19, 1990

TO: Town Hall Building Committee
F. Thomas Fudala, Mashpee Town Planner

FROM: Cape Cod Commission

RE: Hardship Exemption Request
Cape Cod Commission Act, Section 23

APPLICANT: Town Hall Building Committee
Mashpee, MA

PROJECT: New Mashpee Town Hall

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (The Commission) hereby approves the application of the Mashpee Town Hall Building Committee for a Hardship Exemption under Section 23 of the Cape Cod Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for a new Town Hall building. This Decision is rendered pursuant to the vote of the Commission on September 13, 1990.

PROJECT DESCRIPTION

This application is for a proposed Town Hall building which will contain two stories of 11,000 square feet of floor area each and a full basement. The building will incorporate office space for most town boards and departments, as well as two large meeting rooms. The building will be located on a 62.9 acre tract of town-owned land which contains several municipal uses including two schools, a fire station and a police station. The Town Hall will be located adjacent to the existing Mashpee Police and Fire Stations and is approximately 700 feet north of Route 151 at the intersection with Job's Fishing Road.

PROCEDURAL HISTORY

This application for a Hardship Exemption under Section 23 of the Act was filed with the Commission on August 16, 1990. A duly noticed public hearing on the application was conducted by the Commission pursuant to Section 5 of the Act on September 13, 1990 at 3:20 p.m. in Rooms 11/12 in the Barnstable County Superior Court House, Route 6A, Barnstable, MA. Donald Near, Secretary, read the hearing notice.

MATERIALS SUBMITTED FOR THE RECORD

- Development of Regional Impact Exemption Application submitted by Town of Mashpee, Town Hall Building Committee, dated July 13, 1990;
- Plans for Town of Mashpee New Town Hall (pages A-1 through A-7, U-1, L-1 through L-2, and L-1 through L-3) by Keenan & Kenny, Architects, A. W. Jones & Associates, Structural Engineers, E. J. Flynn, Mechanical Engineers;
- Plan and Profile of Job's Fishing Road Extension, Mashpee, MA, dated 5/11/90, by Benchmark, Surveying and Engineering;
- Letter from Town Hall Building Committee dated August 13, 1990;
- Letter from Town of Mashpee Board of Health, dated September 12, 1990;
- Cape Cod Commission Staff report, dated September 5, 1990.

At the September 13, 1990 public hearing, the Commission heard oral testimony from the applicant and the Commission staff.

Will Hanson, Chairman of the Planning Committee and member of the Board of Selectmen for the Town of Mashpee, gave a presentation on the proposed Town Hall. He introduced Keven Harrington, Mashpee's current Executive Secretary, and passed around an aerial photo of the site. Mashpee's Town Hall is located in the Samuel Davis School with several town offices housed in other locations throughout the community. Mr. Hanson stressed the need to consolidate Town offices under the same roof. He also told the Commission about the town's timeframe for the project. The town has gone out to bid and the proposals are valid for 30 days. There already exists the need to ask for a one or two day extension. Mr. Hanson also addressed the issues of traffic, signalization and sewage.

Dorr Fox, Chief Regulatory Officer, presented the staff report favoring the Hardship Exemption. Recommended conditions for approval were based on three main issues and had been agreed to by the Applicant prior to the Commission meeting:

1. Traffic: To realign the driveway and signalize the intersection.
2. Natural resources: To designate an equal portion (2 acres) of the wooded site be left in its natural state to secure protection of the environment; and

3. Wastewater treatment/sewage: To either hook into an existing sewage treatment facility with a neighboring parcel or to have a hydrostudy conducted.

Armando Carbonell, Executive Director, addressing the wastewater issue, stated that if the state approves hookup to the existing Mashpee Commons system with the Cape Cod Commission's endorsement, the issue would be closed. However, if the state did not agree, it would be necessary for the applicant to conduct a hydrostudy.

Mr. Near asked if there would be a problem with the capacity of Mashpee Commons handling the extra wastewater. Mr. Carbonell stated that he was not aware of any problems. James Falla questioned the effect of conducting the hydrostudy on the town's time constraints. After Mr. Hanson stated that he wasn't sure what was involved with a hydrostudy, Mr. Camberari, Water Resources Coordinator, described the study that was needed. Mr. Falla then questioned whether the town would have an adequate appropriation to cover the cost of the study which would run between \$30,000 - \$50,000. Several members expressed concern over the wastewater issue and felt that it should be seriously addressed. Alix Ritchie suggested that the most reasonable course of action would be to tie into Mashpee Commons for discharge of their wastewater.

JURISDICTION

The proposed new Town Hall for the Town of Mashpee, Massachusetts 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 education development which has a floor area as follows:

New construction: greater than ten 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 hardship exemption application of the Mashpee Town Hall Building Committee for the proposed town hall, and based on consideration of such application, the information presented and Commission staff recommendations at the public hearing, make the following findings pursuant to Section 23 of the Act:

1. The roadway leading to the proposed town hall site (currently serving the police and fire stations) is offset approximately 125 feet to the east of Job's

Fishing Road. Heavy turning movements at the intersection of Job's Fishing Road and Route 151 are projected with the opening of Job's Fishing Road to Route 28. The safety of this intersection would be greatly compromised by a driveway in such close proximity. The entrance to the municipal complex should be located directly across from the intersection of Job's Fishing Road and Route 151 creating a four corner right angle intersection. Signalization of this intersection will be necessary to mitigate additional traffic impacts resulting from the new town hall;

2. The site of the proposed new town hall is located on a site which is predominantly in a natural woodland state. The Act directs the Commission to further the conservation and preservation of natural undeveloped areas. Due to the rate of development on this parcel of land and in the immediate vicinity, it is desirable to preserve a portion of the site in a natural woodland state.

3. The proposed town hall will generate 1,800 gallons per day (gpd) of wastewater based on Title V calculations. The proposed town hall is located on a single 62.9 acre parcel which presently accommodates two public school buildings, police and fire department buildings. Title V calculations for these uses including the proposed town hall indicate that over 20,000 gpd of wastewater will be generated. This wastewater flow exceeds the threshold for a DEP groundwater discharge permit (15,000 gpd). Nitrogen loading calculations indicate that this wastewater flow will result in water quality impacts of 8 parts per million (ppm) nitrate-nitrogen (NO₃-N) which exceeds the Cape Cod Commission standard of 5 ppm. The site is located near the Quashnet and Mashpee River systems adjacent to a dense commercial establishment (Common Fields) which is serviced by a package treatment plant.

4. The Town of Mashpee has a hardship due to circumstances related to the existing town hall building. The current facility is inadequate to meet the needs of a town hall. In addition it is needed for use as a school building. The structure needs to be renovated and converted to a school by the fall of 1991. Therefore, a new town hall is needed as soon as possible.

CONCLUSION

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

1. That a literal enforcement of the provisions of the Act would involve substantial hardship to the applicants and the Town of Mashpee. This conclusion is supported by the findings that there is a need to revert the existing town hall building to a school in a short period of time, that the existing facility does not adequately meet the requirements of a town hall and the structure is in poor repair, requiring the immediate need for a new town hall. In addition, the town has gone out to bid on the new project and the proposals are valid for 30 days.

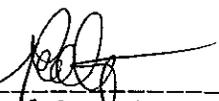
2. That desirable relief may be granted without substantial detriment to the public good and without derogating from the intent of the Act. This conclusion is supported by the fact that the applicant has agreed to the conditions listed below which mitigate the problems and issues listed in the findings above.

The Commission hereby approves the Town Hall Building Committee of the Town of Mashpee, Massachusetts a Hardship Exemption from the terms and provisions of the Act, pursuant to Section 23 of the Act, with the following conditions:

1. The applicant shall be responsible for the realignment of the existing access driveway to the new town hall to be directly opposite Job's Fishing Road and will install a new traffic signal to serve the intersection. This work shall be completed prior to the issuance of a certificate of occupancy for the structure;
2. The applicant shall preserve an area of two acres on the site as natural, undisturbed woodland, to be preserved in perpetuity. The boundaries of this area shall be identified by the applicant and approved by the staff of the Cape Cod Commission prior to the issuance of building permits for the new town hall and shall be clearly indicated on a plan to be filed with the Clerk of the Commission.
3. The applicant should make every effort to mitigate the cumulative wastewater disposal volume on the parcel by seeking approval from the DEP to hook-up the wastewater flows to the Common Fields package sewage treatment plant.

If the DEP does not concur, the applicant should make every effort to bring the parcel's wastewater disposal into compliance with DEP regulations and policy. This specifically includes:

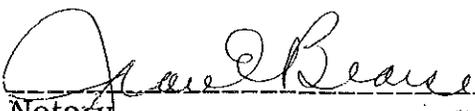
- A. File an application for a DEP groundwater discharge permit for the present and proposed wastewater flows on the parcel; and
- B. Develop a scope of work in conjunction with the Commission staff and conduct a hydrogeological study of the water quality impact and potential mitigation; and
- C. Continue efforts to develop a comprehensive wastewater facilities plan to mitigate continuing development pressures in this area.



Richard Armstrong, Chairman

10/11/90

Date



Notary My Commission Expires May 7, 1993

10/11/90

Date