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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

CCC #TR90001

DATE: June 21, 1990  
TO: Board of Selectmen, Town of Yarmouth  
FROM: Cape Cod Commission  
RE: Hardship Exemption Request, Cape Cod Commission Act  
Section 23  
APPLICANT: Town of Yarmouth  
PROJECT: Yarmouth Regional Transfer Station

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DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of the Town of Yarmouth 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 the proposed Yarmouth Regional Transfer Station. The decision is rendered pursuant to the vote of the Commission on May 24, 1990.

PROJECT DESCRIPTION

This application is for a proposed municipal solid waste transfer station. The transfer station would be a permanent facility operating off Route 6 on Workshop Road on the existing Yarmouth landfill site. It will serve the municipal and private trash pick ups from the Towns of Barnstable and Yarmouth. The transfer station facility is designed to collect a total of up to 350 tons per day of solid waste increasing to a total of up to 530 tons per day maximum by the year 2010, and will provide the Towns of Barnstable and Yarmouth with the means to consolidate waste material for transport to the SEMASS Resource Recovery Facility in Rochester, MA. This application includes an interim transfer station at the site.

Review of the proposed development by other agencies occurred as follows: (1) The Secretary of Environmental Affairs certified on July 10, 1989 that no Environmental Impact Report was required under the Massachusetts Environmental Policy Act, M.G.L. c. 30, Sections 61-62H; (2) The Initial Site assignment was granted by the Yarmouth Board of Health on November 9, 1987; (3) The Revised Site Assignment was issued on December 18, 1989; (4) Local Board of Appeals approval was received on September 29, 1989.

#### PROCEDURAL HISTORY

This application for a Hardship Exemption under Section 23 of the Act was filed with the Commission on March 28, 1990. A duly noticed public hearing on the application was conducted by the Commission pursuant to Section 5 of the Act on May 24, 1990, at 3:15 p.m. in Rooms 11-12 in the Barnstable County Superior Court House, Route 6A, Barnstable, MA.

Materials submitted for the record include: Plans entitled "Yarmouth, Massachusetts, Solid Waste Transfer Station, Site Plans 1 of 2, 2 of 2 dated July 1989, Building Elevations dated November 1989, and Grading Plan 1 of 2, 2 of 2 dated July 1989, by SEA Consultants, Inc." and consisting of 5 sheets and a locus map; an Environmental Notification Form dated May 31, 1989; a letter from the Executive Director of the Cape Cod Planning and Economic Development Commission dated June 13, 1989, and a letter from the Secretary of Environmental Affairs stating that no Environmental Impact Report was necessary, dated July 10, 1989 all filed under the Massachusetts Environmental Policy Act, M.G.L. c. 30, Sections 61-62H; Letters from the Town of Yarmouth, one addressed to the Commission's Executive Director dated March 27, 1990 and two addressed to Commission Members dated April 25 and 27, 1990, together with a chronological history and a list of property owners abutting the proposed development; a letter from the Commission's Counsel to the Executive Director dated April 19, 1990; a letter from the Town of Barnstable to the Executive Director dated April 25, 1990; and a letter from a Yarmouth resident dated May 18, 1990.

#### JURISDICTION

The proposed Yarmouth Solid Waste Transfer Station qualifies as a Development of Regional Impact under Section 12(c)(8) of the Act. Section 12(c)(8) requires review of "any development the proposed construction or expansion of which will provide facilities for transportation to or from Barnstable County." The application was referred to the Commission by the Board of Selectmen. The application and notice of public hearing

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

### FINDINGS

The Commission has considered the hardship exemption application of the Town of Yarmouth for the proposed Yarmouth Regional Transfer Station, and based on consideration of such application, and upon the information presented at the public hearing, makes the following findings pursuant to Section 23 of the Act:

1. Yarmouth is approaching the end of the useful life of its landfill. Barnstable also has a finite capacity to landfill solid waste.

2. Any delay in starting operation of the transfer station will result in permanent loss of remaining reserve space in both landfills.

3. The Towns of Yarmouth and Barnstable have applied for or obtained all state and local permits required for the completion of the facility.

4. The Cape Cod Sole Source Aquifer, because of its hydrogeologic conditions, is particularly sensitive to landfill uses. Because of the Cape's Sole Source Aquifer designation, transfer to an off-Cape waste-to-energy facility is preferable to disposal of solid waste in landfills.

5. Run-off from the facility's impenetrable surfaces will be diverted to two vegetated detention ponds within the project boundary. This is a best management approach that provides for both nutrient-uptake and for volatilization of organic compounds.

6. The project plan does not allow for any vehicle maintenance, which eliminates the potential for leaks of cleaning solvents and fuels.

7. The project will result in an increase in site traffic of approximately 160 truck trips per day (80 in/80 out). The majority of the truck traffic is due to haulers from Barnstable bringing waste to the facility. Although this project will indeed increase traffic in the area, the traffic issues have already been adequately addressed:

a) Haulers from Barnstable will be required to use Route 6 to travel to and from the facility.

b) Direct access to the site has been constructed off Station Avenue in close proximity to Route 6.

c) The intersection of Workshop Road/Whites Path and Station Avenue has been reconstructed and signaled under a Public Works Economic Development (PWED) grant to accommodate area development, including the proposed transfer station.

In addition, the project provides two traffic benefits:

1. Traffic at the Barnstable Landfill will be lower than if haulers used that location.

2. Hauling to SEMASS by rail will result in lower truck traffic utilizing the Bourne and Sagamore Bridges.

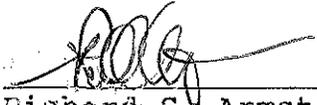
#### CONCLUSION

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

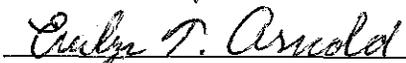
1. that a literal enforcement of the terms and provisions of this Act with respect to the Yarmouth Regional Transfer Station would involve substantial hardship, financial or otherwise, to the Town of Yarmouth. This hardship is supported by evidence that Yarmouth and Barnstable are approaching the end of the useful life of their landfills and delays in starting operation of the transfer station will result in permanent loss of remaining reserve space in both landfills; Yarmouth has obtained or applied for all necessary state and local permits required for completion of the transfer station; a favorable bid has been obtained for construction of the proposed facility and any delay of the project may require rebidding, resulting in substantially higher construction costs to the towns of Yarmouth and Barnstable.
2. that desirable relief may be granted without substantial detriment to the public good. This conclusion is supported by evidence that the Cape Cod Sole Source Aquifer, because of its hydrogeologic conditions, is particularly sensitive to landfill uses. Transfer of solid waste to an off-Cape waste-to-energy facility promotes the public interest when compared to landfilling at an on-Cape site.
3. that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Act. This conclusion is supported by evidence that the proposed transfer station facility will provide for adequate capital facilities including solid waste disposal

facilities; that the proposed facility will mitigate potential groundwater contamination resulting from landfilling; and that the traffic impacts from the proposed facility have been adequately addressed by work performed on the intersection of Station Ave., Workshop Road, and Whites Path in Yarmouth.

The Commission hereby grants Yarmouth Regional Transfer Station a hardship exemption from the terms and provisions of the Act, pursuant to Section 23 of the Act.

  
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Richard S. Armstrong, Chairman

7/10/90  
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Date

  
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Notary My Commission Expires: 9/7/90

July 10, 1990  
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Date

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