



CAPE COD COMMISSION

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DATE: August 19, 1993

APPLICANT: Stephen B. Lawson, President
Cape Cod Bank & Trust Company
P.O. Box 1180
South Yarmouth, MA 02664

PROJECT #: EX930016

PROJECT: Cape Cod Bank & Trust Company Operations Center Expansion
515 Station Avenue
South Yarmouth, MA 02664

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

CERTIFICATE #: 309491C, 30491F (2)
LOT/PARCEL: Map 86, Lot V-17, Map 76, Lot L-72 & L-74

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby grants the application of Mr. Stephen B. Lawson, President of Cape Cod Bank & Trust Company, for a Development of Regional Impact (DRI) Exemption under Section 12(k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed expansion of the Cape Cod Bank & Trust operations center in South Yarmouth, MA. The decision is rendered pursuant to a vote of the Commission on August 19, 1993.

PROJECT DESCRIPTION

The application is for the 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 12,400 s.f. in new construction. Parking and landscaping will also be upgraded, with a total of 183 parking spaces for the proposed uses.

The project site is located at the intersection of Workshop Road and Station Avenue in South Yarmouth, approximately 1/3 of a mile south of state highway Route 6. The site is zoned for Limited Business use. The Yarmouth transfer station is located immediately west of the project

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site, with retail and office uses to the south, north and east.

PROCEDURAL HISTORY

The proposed project was granted a DRI Exemption under Section 12(k) of the Act on August 22, 1990. Pursuant to Section 12(k) of the Cape Cod Commission Act, the DRI Exemption approval will expire on August 22, 1993, or three years from the date of its issuance. On May 18, 1993, the applicant requested that the Commission extend the DRI Exemption granted on this project for a period of eighteen months.

One subcommittee hearing was held to receive testimony on the proposed project by a duly authorized subcommittee of the Commission on August 5, 1993 in the Yarmouth Town Hall, Yarmouth, MA. The public hearing and record were also closed on this date. Based upon testimony received at the public hearing, application materials submitted by the applicant, written material submitted by all interested parties, and supporting technical information provided by staff, the subcommittee voted unanimously on August 5, 1993 to recommend to the full Commission that a new DRI Exemption be granted for the proposed expansion. On August 19, 1993 a subcommittee report was presented to the full Commission. Also on August 19, 1993, the Commission voted unanimously to grant the applicant a DRI Exemption.

MATERIALS SUBMITTED FOR THE RECORD

From the applicant:

- letter from Stephen B. Lawson, President of Cape Cod Bank & Trust Company to Alix Ritchie, Chair of the Cape Cod Commission, dated May 18, 1993
- letter from DeWitt P. Davenport, President of Davenport Realty, to Cape Cod Commission staff, dated July 13, 1993
- DRI Exemption and DRI application forms, dated July 8, 1993
- letter with attachments from DeWitt P. Davenport, President of Davenport Realty, to Cape Cod Commission staff re: landscape estimates, 5 sheets, dated August 6, 1993
- Cape Cod Bank & Trust Company Operations Center Landscaping Plan, prepared by Acorn Landscaping, S. Dennis, MA, 1 sheet, dated May 6, 1990, revised June 27, 1990
- letter with attachment from John S. Burnett, Vice President, Cape Cod Bank & Trust Company, to Cape Cod Commission staff re: carpooling, dated August 9, 1993, 2 sheets

From Commission staff:

- Cape Cod Commission staff report, dated July 30, 1993
- Cape Cod Commission subcommittee report, dated August 13, 1993

From Public Officials:

- Town of Yarmouth Zoning Board of Appeals decision, filed January 28, 1992
- letter from Robert C. Lawton, Jr., Town of Yarmouth Town Administrator in favor of exemption, dated July 28, 1993

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearings and all written submissions received in the course of our proceedings and the previous proceedings and decision dated August

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22, 1990 are incorporated into the record by reference.

TESTIMONY

Dewitt Davenport, President and Trustee of Davenport Realty Trust and owner of the property for the project, gave a presentation for the applicant describing the proposed project. Mr. Davenport explained that the bank wished to remove an existing warehouse building and construct a new addition to the existing operations center. He explained that the facility would be a 24 hour operation and the number of occupants was limited by the Yarmouth Board of Health. He made a slide presentation of the history of the project, explaining that the Bank was unable to build three years ago after the original Commission approval due to FDIC reorganization of the Bank's priorities. The Bank wished to proceed with construction as soon as possible. He also noted that the Yarmouth Zoning Board of Appeals approval was extended and now expires in January 1994. Mr. Davenport also responded to the Commission staff report by stating that the applicant would be willing to submit a landscaping plan at the time of a building permit application, the operation currently had staggered work hours, and the Bank will look into the requested recirculating sand filter and other denitrifying systems.

Commission staff planner Sharon Rooney noted that a plan of record for the landscaping should be submitted at this time so that it could be attached to the decision, and that the water resources staff strongly recommended the use of a sand filter. Transportation Engineer Lev Malakhoff stated that the ramps at exit 8 off the Mid-Cape Highway, which are located near the project, are currently operating at a level of service F. The proposed project will generate 480 trips per day, including 81 trips at peak hour. He stated that there needs to be a program for vehicle trip reduction to lessen the impact of the project on the ramps. Mr. Davenport responded that the existing warehouse is still in operation and that vehicle trips from the warehouse are not accounted for in the trip generation estimate.

Bob Lawton, Yarmouth Town Administrator, stated the Yarmouth Board of Selectmen were in favor of the project. Terry Silvia, Yarmouth's Assistant Town Planner, stated that the Planning Board and the Site Plan review Committee both voted to support the exemption request.

James Falla disclosed that he is a customer of Cape Cod Bank and Trust and that he verified with the State Ethics Commission that his participation on this subcommittee is not considered a conflict of interest. Don Near stated that the applicant needs to demonstrate a 20% trip reduction. Sumner Kaufman suggested carpooling. John Burnett, Vice-President and Secretary of Cape Cod Bank & Trust Company stated that the Bank already has flexible working hours and that the Bank would be willing to meet the 20% trip reduction standard and minimize any impacts to the on-ramps by promoting carpooling.

JURISDICTION

The proposed expansion qualifies as a DRI under Section 12(c)(6) of the Cape Cod Commission Act (Act) as "any proposed retail or wholesale business ... development...which (is) an addition greater than 5000 square feet."

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FINDINGS

The Commission has considered the application of Mr. Stephen B. Lawson, President of Cape Cod Bank & Trust Company for the proposed expansion to the banking operations center in South Yarmouth, MA, and based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings subject to Section 12(k) of the Act:

- 1). The project was previously granted a DRI Exemption on August 22, 1990, prior to the adoption of the Regional Policy Plan (RPP). The proposed project has not been modified since its DRI Exemption approval in 1990. The project involves the replacement of an existing 15,000 sq. ft. warehouse with a 12,000 sq. ft. addition to an existing banking operations center and is therefore a redevelopment project.
- 2). Roadway improvements were implemented in the vicinity of the project site in 1988 to increase roadway capacity and safety, and to accommodate new development. These improvements were funded in part through a betterment assessment paid by the applicant.
- 3). The redevelopment of the project site will result in additional traffic impacts to the exit 8 intersection ramps at Route 6. Based upon information submitted as part of the DRI review for the Coliseum warehouse expansion (#TR92009), these ramps are operating at Level-of-Service F during the p.m. peak hour summer conditions. The applicant demonstrated greater conformance with Section 4.1.1.1 and Section 4.1.2.1 of the RPP by testifying that the operations center currently encourages flexible working hours through its 24-hour operation and will continue to so operate, and by agreeing to implement a company-wide carpooling program.
- 4). The proposed project consists of the redevelopment of an existing site. The project is located in a Wellhead Protection Area for the Town of Yarmouth and an Impaired Area, and as such is considered a Water Quality Improvement Area under the RPP. In such areas, development shall not exceed a 5 ppm nitrate-nitrogen loading standard or an identified marine water standard as applicable. Where existing development exceeds that identified loading standard, redevelopment shall improve existing levels of nitrate-nitrogen loading.
- 5). The applicant indicated that existing nitrogen loading on the current office site is 9.74 ppm nitrate-nitrogen, which exceeds 5 ppm. Nitrogen loading from the total proposed project was calculated at 7.92 ppm. Applying restrictions imposed by the Yarmouth Board of Health on the project, the proposed project will result in a total nitrogen loading of 6.69 ppm. This reduction in nitrogen loading from 9.74 ppm to 6.69 is an improvement in water quality and therefore in conformance with the RPP. The applicant also agreed to investigate adding a recirculating sand filter to the existing Title Five system to further improve water quality effluent.
- 6). Goal 6.1 of the RPP is to preserve and enhance the availability of open space on Cape Cod in order to provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery, and character of Cape Cod. Section 6.1.4 of the RPP requires that commercial development provide 40% of the lot area as permanent open space, including landscaped areas designed to screen and buffer the development. Neither the existing site nor the proposed redevelopment is in conformance with Section 6.1.4 of the RPP. However, the proposed

redevelopment provides the maximum amount of open space as landscaped area designed to screen the development. The applicant therefore achieved greater conformance with Section 6.1.4 and met the intent of Goal 6.1 by submitting a final landscape plan of record which provides a substantial amount of landscaping for the proposed project .

7). The proposed expansion will replace an existing warehouse with a banking operations center constructed in traditional Cape Cod architectural styles. The proposed construction is compatible with its site and existing surrounding buildings.

CONCLUSION

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

The location, character and environmental effects of the proposed expansion 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 following findings: the proposed project had not been modified since being granted a DRI Exemption in 1990; the project is a redevelopment which will replace an existing warehouse to provide an addition to an existing bank operations center; the applicant had contributed to nearby traffic improvements made specifically to accommodate future development; the applicant mitigated potential impacts to Route 6 interchanges through flexible work hours and an agreement to implement a company-wide carpooling program; by demonstrating improvement in water quality over existing conditions; and by addressing site and architectural concerns.

The Commission hereby grants Mr. Stephen B. Lawson, President of Cape Cod Bank & Trust Company a DRI Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act for the proposed banking operations center expansion in South Yarmouth, MA.

David Ernst
David Ernst, Chair

8/19/93
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 19th day of August 1993

Katharine Y Peters
Name, Notary Public

My commission expires: ~~September 5, 1997~~

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