

CAPE COD COMMISSION

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Date: May 13, 1993

Applicant: Mr. Warren Rutherford, Barnstable Town Manager
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Project #: JD93008
Project: Barnstable Household Hazardous Waste Center
Town of Barnstable Landfill
Marstons Mills, MA

RE: Development of Regional Impact
Jurisdictional Determination Request
Cape Cod Commission Act, Section 12(j)

Book/Page: Book 7027/Page 080
Owner: Town of Barnstable

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby finds that the proposed Household Hazardous Waste Center in Marstons Mills, MA is not subject to review under Section 12(c)(8) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended. The project is also not exempt under Section 22 of the Act. The decision is rendered pursuant to the vote of the Cape Cod Commission on May 13, 1993.

PROJECT DESCRIPTION

The project consists of a proposed 250 square-foot fixed Household Hazardous Waste Center to be located at the Town of Barnstable landfill in Marstons Mills, MA. Access to the proposed facility is via the existing entrance to the landfill on Flint Street. The site is partially cleared with sloping terrain. The Marstons Mills Elementary School is located 1500 feet northeast of the site. Single-family residential use lies 500 feet to the north, south and west.

The applicant estimates that a maximum of 1500 gallons of hazardous waste will be stored in 55-gallon drums at any one time. The storage building for the waste consists of a heavy-gauge steel pre-fabricated structure set upon a concrete slab and surrounded by a chain link fence. An automatic fire and intrusion system is part of the storage building. This system is proposed to be

Proposed Household Hazardous Waste Center - Marstons Mills, MA
Jurisdictional Determination Decision - #JD93008
May 13, 1993

into a 24-hour monitoring facility.

PROCEDURAL HISTORY

The Commission received a request for a jurisdictional determination from the Town of Barnstable on April 23, 1993. The Commission determined that the application was complete on April 28, 1993. A duly noticed public hearing pursuant to Section 5 of the Act was held by an authorized subcommittee of the Commission on the jurisdictional determination request on May 13, 1993 in the Chamber of the Assembly of Delegates, First District Courthouse, Barnstable, MA. The public hearing was also closed on May 13, 1993. At the close of the public hearing, the subcommittee held a public meeting where the subcommittee voted three in favor and one opposed to recommend to the full Commission that the project was not required to be reviewed as a DRI under Section 12(c)(8) of the Act. At the full Commission meeting held on May 13, 1993, the Commission voted unanimously that the project was not required to be reviewed as a DRI under Section 12(c)(8) of the Act.

Materials submitted by the applicant:

- Jurisdictional Determination application with attachments
- Plan entitled Household Waste Area at Landfill, Barnstable G.I.S. Unit, November 12, 1992
- letter from Town of Barnstable to Laidlaw Environmental Services, dated April 12, 1993
- Draft application for Collection Center for Hazardous Waste from Households and/or Very Small Quantity Generators, undated with attachments
- letter with attachment from Richard J. Fressilli, Supervisor, Solid Waste Division, Town of Barnstable, to Thomas J. Mullen, Superintendent, Barnstable DPW, dated May 12, 1993

Additional materials:

- Cape Cod Commission staff report and minutes dated May 13, 1993
- Barnstable Household Hazardous Waste Facility trip generation estimates, May, 1993
- letter from Cape Cod Commission staff to Mr. Warren Rutherford, Barnstable Town Manager, dated April 28, 1993
- letter from Cape Cod Commission staff to Mr. Tom Mullen, dated April 14, 1993
- letter from Choate, Hall & Stewart to Armando Carbonell, Executive Director, Cape Cod Commission, dated April 19, 1990

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

TESTIMONY

The Commission received oral testimony at the May 13, 1993 public hearing from Mr. Walter Jacobsen, project engineer for the Town of Barnstable. He stated that this project had received a site assignment from the Massachusetts Department of Environmental Protection in August, 1991. He considered the Hazardous Waste Center an adjunct to recycling operations already occurring at the landfill. The sole purpose of the project is to collect household hazardous waste in one location to be eventually transported off-Cape by licensed haulers. He estimated that the project would generate a maximum of between one and two truck trips per month, and would be open

Proposed Household Hazardous Waste Center - Marstons Mills, MA
Jurisdictional Determination Decision - #JD93008
May 13, 1993

only one day per month. He noted that the Centerville-Osterville Fire District was very supportive of the facility.

Mr. Richard Fressilli, Supervisor of the Barnstable Solid Waste Division, entered a letter into the record which indicated that local traffic to the landfill had actually decreased since 1991, when the Town began to utilize the Town of Yarmouth transfer station. Mr. Tom Mullen, Barnstable Superintendent of the Department of Public Works, stated that this operation is very similar to a recycling program, with an insignificant number of trips leaving the Cape. He added that household hazardous waste had been dumped at the landfill improperly for years. Mr. Tom McKean, Barnstable Health Department, expressed support for the project.

Ms. Margo Fenn, Acting Director of the Cape Cod Commission, stated that the project is primarily for the storage of household hazardous waste. Commission staff noted that the project was not exempt under Section 22 of the Act. In addition, it was staff's opinion that the project would generate additional truck trips from Cape Cod, and therefore qualified as a DRI. Mr. Marty Flynn, Barnstable Representative to the Assembly of Delegates, testified that the goal of the project is to provide a facility for the safe disposal of hazardous waste, and that the number of truck trips off-Cape was incidental to the facility.

JURISDICTION

The purpose of the Jurisdictional Determination request was to determine whether the proposed Barnstable Household Hazardous Waste Center qualified as a Development of Regional Impact under Section 12(c)(8) of the Act, which requires Commission review as a Development of Regional Impact (DRI) when a project involves "any development the proposed construction or expansion of which will provide facilities for transportation to or from Barnstable County."

FINDINGS

The Commission has considered the applicant's request for a jurisdictional determination regarding the proposed Household Hazardous Waste Center in Marstons Mills, MA, and based upon consideration of such request, upon information presented at the public hearing and submitted for the record, makes the following findings:

- 1). The proposed Household Hazardous Waste Center is primarily a collection and storage facility for the proper disposal of household hazardous waste to be used only by Barnstable residents.
- 2). The disposal of hazardous waste from commercial uses or very small quantity generators (VSQG's) is not proposed for this facility.
- 3). According to information submitted by the applicant, the proposed Hazardous Waste Center will be open one day per month and will generate approximately one to two off-Cape truck trips per month.
- 4). The proposed project is not exempt under Section 22 of the Act as a development which had received a special permit, variance, or order of conditions prior to July 1, 1989 or a building

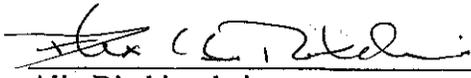
Proposed Household Hazardous Waste Center - Marstons Mills, MA
Jurisdictional Determination Decision - #JD93008
May 13, 1993

permit prior to the effective date of the Act.

CONCLUSION

Based on the findings above, the Commission hereby concludes that the proposed Household Hazardous Waste Center in Marstons Mills, MA is not required to be reviewed as a Development of Regional Impact under Section 12(c)(8) of the Act. This conclusion is based on the findings that the project is primarily a collection and storage facility for disposal of household hazardous waste to be used only by Barnstable residents, and that the project will generate approximately one to two off-Cape truck trips per month. The project is not exempt under Section 22 of the Act as a development which had received a special permit, variance, or order of conditions prior to July 1, 1989 or a building permit prior to the effective date of the Act.

This decision is rendered pursuant to a vote of the Cape Cod Commission on May 13, 1993.


Alix Ritchie, chair

5-13-93
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 13th day of May 1993


Name, Notary Public

My commission expires:

My Commission Expires December 5, 1997